DIRECTORS' MEETING
MAY 7, 2012
555 S. 10TH STREET, ROOM 113
2:00 P.M.

I. CITY CLERK

II. MAYOR

1. NEWS RELEASE. Open house set for safety improvement project, Tuesday, May 8, 2012.
2. NEWS ADVISORY. Mayor Beutler, Safety Director Casady, and City Attorney Confer will hold a news conference, Wednesday, May 2, 10:00 a.m., at 555 S. 10th Street to discuss future of Occupy Lincoln.
   (a) News conference moved to 10:15 a.m. on May 2, 2012.
3. NEWS RELEASE. Protestors removed from Centennial Mall. Proposed ordinances will address future occupation of public spaces.
4. NEWS RELEASE. Special showing of "Bully" to be followed by discussion.
2. NEWS RELEASE. Map of closures and detours now available on the City web site.

WEST HAYMARKET JOINT PUBLIC AGENCY

1. The West Haymarket Joint Public Agency public meeting scheduled for Friday, May 4, 2012, has been cancelled.

III. DIRECTORS

EMERGENCY MANAGEMENT, Doug Ahlberg, Director

HEALTH DEPARTMENT

1. NEWS RELEASE. Environmental Leadership Awards announced.

PLANNING COMMISSION

1. Lincoln-Lancaster County Planning Commission schedule for month of May, 2012.
2. Action by the Planning Commission, May 2, 2012.
3. Final action by the Planning Commission, May 2, 2012.

PLANNING DEPARTMENT

1. Administrative Amendments approved by the Planning Director from April 24, 2012 through April 30, 2012.

WEED AUTHORITY

1. Weed Abatement Program. Lancaster County/City of Lincoln, April 2012.
2. UNL Extension: Acreage insights, May 2012.

IV. COUNCIL MEMBERS

V. MISCELLANEOUS

VI. CORRESPONDENCE FROM CITIZENS

1. Email from Anne Whitney asking Council to give full support to the Fairness Ordinance.
2. Letter from Realtors® Association of Lincoln, Nicole D. Jensen, Executive Vice President, writing in support of the proposed Fairness Ordinance.
3. Email from Mark Dietel. An ordinance to add sexual orientation and gender identity as a protected class is absurd.
4. Email from Linda Helfman, strongly in favor of pending legislation regarding fair and equal treatment of all our citizens.
5. Email from Terry Lee Foster writing in support of the Fairness Ordinance.
6. Email from Rick Fedderson. Appreciate Councilman Eskridge's introducing the Anti-discrimination measure in Lincoln. A great move forward in area of personal rights.
7. Email from Becky Boesen, stating she stands in complete support of the Fairness Ordinance.
8. Email from Susan Kinyon. Fully support the proposed Fairness Ordinance.
9. Tari Hendrickson email. In support of the Fairness Ordinance, which will help extend assurances for equal treatment.
10. Rita A. Turek. Supports the Fairness Ordinance. Should be fairness for everyone in the U. S.
11. Jean Sanders. Strongly support the City Fairness Ordinance.
12. Petrea Whittier. Urge the City Council to pass the Fairness Ordinance.
13. Judy Thiem. The Fairness Ordinance needs to be passed.
14. George Ferris. In support of the Fairness Ordinance. Lincoln needs to send a message of welcome and tolerance.
15. R. Heather Ropes. Supports Make Lincoln Fair.
16. Ginger and J.D. Expect our Council to quickly take the right action We're into the 21st Century.
17. Brenda West. Strongly in favor of adopting the Fairness Ordinance.
18. Diane Burton. Staunch support for the Fairness Ordinance.
19. Benjamin Vogt. Fairness Ordinance long overdue.
20. Mark D. Hiatt. In favor of the Fairness Ordinance pending before Council.
21. Anne Melang-Thoren and family. Believe in equal rights for lesbians, gays, bisexual, and transgendered people.
22. Patricia Patton. Implore each on the City Council to vote against the Fairness Ordinance.
23. Joseph Swoboda. Support passing and implementing a Fairness Doctrine in Lincoln.
24. Melissa McKibbin. Support the proposed Fairness Ordinance.
25. John Jack. Support and pass the Fairness Ordinance.
26. Julie Pinnell. In favor of the anti-discrimination ordinance sponsored by Carl Eskridge.
27. Randy Gerke. Encourage Council to vote for the Fairness Ordinance.
28. Rev. Dr. Renae Koehler. In support of the amendment Carl Eskridge introduced.
29. InterLinc correspondence from Chad Barnhardt on high tax and fees on a trailer.
30. Coleen Dieken. Do not pass the Fairness Ordinance, this is set up for lawsuits. Privilege for a few.

VII. ADJOURNMENT

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PUBLIC WORKS AND UTILITIES DEPARTMENT
Engineering Services, 901 West Bond, Suite 100, Lincoln, NE 68521, 402-441-7701

FOR IMMEDIATE RELEASE: May 1, 2012
FOR MORE INFORMATION: Craig Aldridge, Public Works and Utilities, 402-416-5349
Stephanie Dostal, Alfred Benesch & Company, 402-479-2200

OPEN HOUSE SET FOR SAFETY IMPROVEMENT PROJECT

The public is invited to an open house Tuesday, May 8 to learn more about planned improvements at the intersection of Coddington Avenue and West Van Dorn Street. The event is from 5 to 7 p.m. at Roper Elementary School, 2323 S. Coddington Ave.

The goal of the project is to improve safety at this high-accident location. Those attending the open house will have the opportunity to discuss planning concepts with the project team, ask questions and provide input regarding the improvements. Work on the project is expected to begin in April 2013 and be finished in August 2013.

The project is partially funded with federal highway safety funds. For more information on the open house, contact Stephanie Dostal, Alfred Benesch & Company, at 402-479-2200. Steve McCullough, Alfred Benesch & Company, at 402-333-5792 or visit saferwestvandorn.com.

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OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 402-441-7511

DATE: May 1, 2012
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 402-441-7831

Mayor Chris Beutler, Public Safety Director Tom Casady and City Attorney Rod Confer will discuss the future of Occupy Lincoln at a news conference at **10 a.m. Wednesday, May 2** in **Room 303, third floor of the County-City Building, 555 S. 10th St.**

Mary M. Meyer

From: Council Packet
Subject: news conf. at 10:15

This news conference has been moved to 10:15 a.m., same location.

Diane

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 402-441-7511

DATE: May 1, 2012
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 402-441-7831

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OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 402-441-7511

FOR IMMEDIATE RELEASE: May 2, 2012
FOR MORE INFORMATION: Tom Casady, Public Safety Director, 402-441-7071
Rod Confer, City Attorney, 402-441-7290

PROTESTORS REMOVED FROM CENTENNIAL MALL

Proposed ordinances will address future occupation of public space

The remaining protesters associated with the Occupy Lincoln movement were removed about 4 a.m. this morning from Nebraska's Centennial Mall by Lincoln Police and staff with the City Public Works and Utilities Department. Mayor Beutler, who observed the action, said it was "uneventful." Only three individuals remained on the Mall. Two left when asked and a third who refused to comply was arrested.

"The Occupy Lincoln movement has exercised its constitutional right to free speech," Beutler said. "The City has allowed the movement to occupy ground on the Mall for that purpose for the past eight months for several reasons. First, we felt a strong obligation to protect taxpayers by avoiding potentially prolonged and expensive litigation that could result from an early eviction. We also felt an obligation to protect the City's reputation as a cohesive community. Even more importantly, we have profound respect for the First Amendment and the right of citizens to freely assemble and protest."

The City and the Occupy Lincoln General Assembly agreed in February that the campers could remain on the Mall until May 1, as long as they agreed to peacefully leave before that date so that Mall renovation work could proceed.

The Mayor said the City has treated the group as well or better than any Occupy movement in the nation. He said the occupiers were cooperative and observed the law, and the Police, Parks and Recreation, Health and Building and Safety departments worked together to protect their well-being.

A group camped on City right of way near 30th and Capitol Parkway left Tuesday after receiving an eviction notice from the City Monday. Occupy Lincoln members who spoke at Monday's City Council meeting said the primary purpose of the second camp was to accommodate some homeless people who joined the movement. The Mayor said establishing a camp in the area was "not in the best interests of the neighborhood residents or the homeless people themselves."

- more -

Beutler said a package of legislation will be submitted to the City Council to provide more appropriate venues for free speech in Lincoln. "I believe the proposals represent a good balance – one that accommodates people like those in Occupy Lincoln who wish to express their First Amendment rights by means of demonstration and those who wish to have fair access to the same public space," he said.

"Occupy Lincoln has engaged in a cherished American tradition, older than the American republic itself," Beutler said. "I have profound respect for all Lincolnites who pursue this difficult path, whether it's Occupy Lincoln, the Right-to-Life movement or Tea Party activists. There is respect in Lincoln for all sincere voices. I encourage members of Occupy Lincoln to continue to make their voices heard, just as I encourage all Lincoln residents to speak out. Like the many activists who have come before them, Occupy Lincoln has to make the difficult transition from being purely a protest group to being a political agent for change."

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OFFICE OF THE MAYOR
Citizen Information Center, 555 South 10th Street, Lincoln, NE 68508, 402-441-7831

FOR IMMEDIATE RELEASE: May 2, 2012
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 402-441-7831
Bill Luxford, 5 CITY-TV, 402-441-6688

SPECIAL SHOWING OF "BULLY" TO BE FOLLOWED BY DISCUSSION

Sponsors being sought to help fund free tickets

Students are encouraged to attend a special showing of the documentary "Bully" at 9 a.m. Saturday, May 12 at the Grand, 1101 "O" Street. The movie will be followed by a panel discussion led by Dr. Susan Swearer, a UNL psychology professor who is co-director of the Bullying Research Network.

The discussion will be taped and aired on the government cable access channels 5 (5 CITY-TV) and 10 (10 Health) as well as 21 Educational Access. The channels are part of the Citizen Information Center (CIC), a division of the Mayor's Office.

A limited number of free tickets will be available at the Grand, and doors will open at 8:15 a.m. The Lincoln Community Foundation and Madonna Rehabilitation Hospital have helped to fund the free tickets, and additional sponsors are needed. Interested individuals, organizations and businesses can contact Diane Gonzolas, CIC, at 402-441-7831, or Bill Luxford, 5 CITY-TV, at 402-441-6688. The regular ticket price is $6.

According to the American Justice Department, one out of every four children is a victim of bullying, and at least two children are bullied every seven minutes. The 98-minute movie tells the stories of five families dealing with bullying, including two who lost children due to suicide. It is rated PG-13 for its intense themes, disturbing content and strong language.

5 CITY-TV and 10 Health have been airing programming related to bullying over the last month, including presentations from a March bullying workshop. Presenters included Swearer and Kirk Smalley of Oklahoma, whose son Ty committed suicide about a year ago when he was suspended from school for standing up to a boy who had bullied him. Oklahoma students who heard his story created the "Stand for the Silent" movement. Smalley has recorded a message, which will be shown at 8:55 a.m. May 12, and materials from the Stand for the Silent initiative will be distributed at the event.

- more -

On April 20, students across Lincoln participated in Stand for the Silent Day with seven seconds of silence, a balloon release and the recitation of an anti-bullying pledge. The access channels are airing video from several of those gatherings, including one featuring Mayor Chris Beutler at the Lighthouse after-school program.

Program schedules for the access channels are available at lincoln.ne.gov (click on the channel icon in the upper right corner). Programming also can be viewed through video-on-demand and the youtube sites for 10 Health and 5 CITY-TV, available at the same website.

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PUBLIC WORKS AND UTILITIES
555 S. 10th St., Suite 208, Lincoln, NE 68508, 402-441-7548

FOR IMMEDIATE RELEASE: May 3, 2012
FOR MORE INFORMATION: Thomas Shafer, Engineering Services, 402-525-5644

MAP OF CLOSURES AND DETOURS NOW AVAILABLE ON CITY WEB SITE

Marathon closures are included

With road construction season under way, motorists can find updated information on street closures and detours on a city-wide map on the City website, lincoln.ne.gov (keyword: detours). All current and pending major street closures are marked, along with recommended detour routes, and the map is updated every Friday afternoon. The map now posted includes the street closures for the Lincoln Marathon Sunday, May 6.

Each major street closure has a corresponding link to a project page, which includes additional information such as construction phasing, public meetings, contacts and related projects.

"We hope providing the most up-to-date, comprehensive and user-friendly information possible regarding street construction, closures and detours will help residents plan their routes," said Miki Esposito, Director of the City Public Works and Utilities Department. "We greatly appreciate the patience and cooperation of Lincoln's motorists, the business community and the citizens in general as we work to improve Lincoln's roadways and infrastructure."

To receive the information as soon as it's available, the public can subscribe to RSS notifications or e-mail alerts by using the links on the street closure and detour site.

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West Haymarket JPA Meeting Cancellation

The West Haymarket Joint Public Agency (JPA) public meeting scheduled for Friday, May 4 has been cancelled due to a lack of agenda items.

The next meeting will take place at 3 p.m. Tuesday, May 15 in Council Chambers.

David Norris
Citizen Information Center
City of Lincoln
(402) 441-7547

CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR CHRIS BEUTLER lincoln.ne.gov

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

3140 "N" Street, Lincoln, NE 68510, 402-441-8000

FOR IMMEDIATE RELEASE: May 1, 2012

FOR MORE INFORMATION: Renae Rief, Environmental Public Health, 402-441-4602

ENVIRONMENTAL LEADERSHIP AWARDS ANNOUNCED

The Lincoln-Lancaster County Health Department has announced the winners of the 2012 Lincoln-Lancaster County Environmental Leadership Awards. The public is invited to the awards ceremony and breakfast from 7:30 to 9:30 a.m. Friday, June 1 at the Nebraska Champions Club.

The awards recognize businesses, organizations and individuals who have demonstrated environmental leadership in sustaining and improving air, land and water quality and protecting public health. The recipients are:

- Business and Industry – Assurity Life Insurance Company and Sway Hairspa
- Agriculture - George Edgar and Gladys Jeurink
- Nonprofit Organization - Downtown Lincoln Association Maintenance Group
- Government - StarTran
- Education - Sueann Ahrens and Villa Marie Home and School
- Individuals - Matan Gill

Tickets for the breakfast are $15 each, and reservations are due by Friday, May 25. Reservation forms are available at lincoln.ne.gov (keyword: awards) or by calling 402-441-8023.

To be eligible for an award, winners must have been instrumental in identifying reducing, or solving an environmental problem or promoting public awareness and concern for the enhancement and protection of the environment. Winners also must have demonstrated active stewardship in one or more of the following environmental practices: pollution prevention/risk reduction; waste reduction and recycling; water conservation; soil conservation; energy conservation; and residential and commercial development.

Mary M. Meyer

From: Jean Preister
Sent: Monday, April 30, 2012 2:48 PM
To: Council Packet
Subject: Lincoln-Lancaster County Planning Commission schedule for month of May, 2012

TO: Lincoln-Lancaster County Planning Commission members
cc: Planning Department Distribution List

On Wednesday, May 2nd, from 11:15 a.m. to 12:45 p.m., in advance of your regular 1:00 p.m. meeting, is a staff briefing on the projects in the draft 6-year Capital Improvement Program (CIP) for the City of Lincoln and the draft 4-year Transportation Improvement Program (TIP) for the Lincoln metropolitan area as required by federal regulations. This briefing will include a special presentation by Public Safety Director Tom Casady on the Fire Station Relocation Plan prepared by the City's Fire Department, which served as the basis for revisions to the Fire Department's proposed capital program in the draft CIP. The Planning Commission will hold a special public hearing on the following Wednesday, May 9th, at 1:00 p.m., to take public comments on these two documents and then vote on whether the proposed projects are consistent with the recently adopted City-County Comprehensive Plan (LPlan 2040) and Long Range Transportation Plan (LRTP).

Prior to the special May 9th public hearing on the CIP/TIP, from 11:45 a.m. to 12:45 p.m., we have scheduled a briefing on two other documents sent to the Planning Commission last week: the Community Indicators report and the Draft Action Strategies. Community Indicators reports have been published almost every year at this time since 2004. The reports provide measurable data on how the community is doing on goals stated in the Comprehensive Plan for population growth, economic activity, environmental quality, affordability and accessibility. The Action Strategies is a draft document that was specifically requested by the Planning Commission last summer in a workshop on the new Comprehensive Plan. This document lists 45 key strategies in the new plan, assigns responsibility for implementing those strategies to various departments and agencies, and identifies the likely timeframe (short, medium and long term) for implementation. We have circulated this document to all the identified departments and agencies, and hope to report to you on their review and acceptance of these assignments at the briefing.

On Wednesday, May 16th, from 11:45 a.m. to 12:45 p.m., before your regular 1:00 p.m. meeting, in response to the interest of several Commissioners, Urban Development Director Dave Landis will present additional information on the City's use of Tax Increment Financing (TIF) as part of its redevelopment program and respond to questions.

And on Wednesday, May 30th, from 11:30 a.m. to 12:00 Noon, the Watershed Management Division of Public Works & Utilities and the Lower Platte South Natural Resources District will provide a briefing on the Antelope Creek Watershed Basin Management Plan, which is tentatively scheduled for public hearing on June 13th. Then from 12:00 noon to 12:45 p.m., before your regular 1:00 meeting, Frank Daley, Jr., Executive Director of the Nebraska Accountability & Disclosure Commission, along with Chief Assistant City Attorney Rick Peo, will outline the statutory requirements regarding potential conflicts of interest and respond to questions you may have on conflicts as outlined in the statutes and in the Planning Commission's Rules and Procedures.

If you have any questions about this schedule of briefings and public hearings, please contact Jean Preister in the Planning Department at 402-441-6365 or plan@lincoln.ne.gov.

--Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department
555 S. 10th Street, Room 213
Lincoln, NE 68508
402-441-6366

** ACTION BY PLANNING COMMISSION **
May 2, 2012

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, May 2, 2012, at 1:00 p.m., in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, on the following items. For more information, call the Planning Department, (402) 441-7491.**

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, May 2, 2012, from 11:15 a.m. - 12:45 p.m. in Room 113 of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, for a briefing by staff on the Planning Commission Review Edition of the City of Lincoln's draft six year Capital Improvement Program (CIP) for FY 2012/2013 - 2017/2018, and the draft FY2013-2016 Transportation Improvement Program (TIP) for the Lincoln Metropolitan Planning Organization (MPO).

<u>PLEASE NOTE:</u> The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.**

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, MAY 2, 2012

[**<u>Commissioners Cornelius and Weber absent</u>**]

Approval of minutes of the regular meeting held April 18, 2012. **<u>**APPROVED, 7-0 (Cornelius and Weber absent)**</u>**

1. CONSENT AGENDA:
(Public Hearing and Administrative Action)

CHANGE OF ZONE:

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1.1 Change of Zone No. 12006, from O-2 Suburban Office District to B-1 Local Business District, on property generally located at N. 35th Street and O Street.
Staff recommendation: Approval, subject to conditional zoning agreement
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov
Planning Commission recommendation: APPROVAL, SUBJECT TO CONDITIONAL ZONING AGREEMENT, 7-0 (Cornelius and Weber absent).
Public Hearing before City Council will be scheduled when the associated conditional zoning agreement is completed and scheduled.

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1.2 Change of Zone No. 12007, from AG Agricultural District to AGR Agricultural Residential District, on property generally located at S. Coddington Avenue and W. Pleasant Hill Road.
Staff recommendation: Approval
Staff Planner: Sara Hartzell, 402-441-6371, shartzell@lincoln.ne.gov
Planning Commission recommendation: APPROVAL, 7-0 (Cornelius and Weber absent).
Public Hearing before City Council tentatively scheduled for Monday, May 21, 2012, 5:30 p.m.

PERMITS:

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1.3 Special Permit No. 12011, to allow an indoor kennel, on property generally located at S. 10th Street and South Street (2010 S. 10th St.).
***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Christy Eichorn, 402-441-7603, ceichorn@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated April 19, 2012, 7-0 (Cornelius and Weber absent).
Resolution No. PC-01279.

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1.4 Special Permit No. 12012, for expansion/reconstruction of a nonconforming use, on property generally located at S. 28th Street and Eastgate (2900 S. 28th Street). ***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Christy Eichorn, 402-441-7603, ceichorn@lincoln.ne.gov
Removed from Consent Agenda and had separate public hearing.
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated April 19, 2012, subject to revised site plan as submitted on May 2, 2012, 7-0 (Cornelius and Weber absent).
Resolution No. PC-01280.

PERMITS WITH RELATED ITEMS:

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1.5a Pre-Existing Special Permit No. 28C, to expand the limits of the special permit for a private school to allow for the addition of a new building and additional parking, on property generally located at S. 52nd Street and Prescott Avenue. ***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report, 7-0 (Cornelius and Weber absent).
Resolution No. PC-01281.

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1.5b Street & Alley Vacation No. 12003, to vacate the north-south alley west of S. 52nd Street, between Prescott Avenue and Cooper Avenue.
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
Planning Commission recommendation: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 7-0 (Cornelius and Weber absent).
Public Hearing before the City Council will be scheduled when the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

2. REQUESTS FOR DEFERRAL:

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2.1 County Special Permit No. 12015 and City Special Permit No. 12016, for a recreational facility, on property in split jurisdiction generally located at SW 29th Street and W. Wittstruck Road. ***** FINAL ACTION *****
Staff recommendation: Applicant has requested deferral until May 16, 2012
Staff Planner: Sara Hartzell, 402-441-6371, shartzell@lincoln.ne.gov
Applicant's request for two-week deferral granted, with CONTINUED PUBLIC HEARING AND ACTION scheduled for Wednesday, May 16, 2012, 1:00 p.m.

3. ITEMS REMOVED FROM CONSENT AGENDA: (See Item 1.4 above)

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

COMPREHENSIVE PLAN:

4.1 Comprehensive Plan Conformance No. 12003, to review a proposed amendment to the Lincoln Center Redevelopment Plan as to conformance with the 2040 Lincoln/Lancaster County Comprehensive Plan, which amends the "Entertainment Center/Old Federal Building Redevelopment Project" to add new areas, add new projects, and to rename as "Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project." The amendment includes all rights-of-way for retail revitalization and street/streetscape improvements generally located between North 7th Street and North 17th Street and "O" Street and "Q" Street. The Lincoln Center Redevelopment Plan Area is generally bounded by Salt Creek, Interstate 180, and "R" Street on the north, 17th Street on the east, "G" Street on the south, and Salt Creek, 2nd Street, and Sun Valley Boulevard on the west.

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Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Brandon Garrett, 402-441-6373, bgarrett@lincoln.ne.gov
Had public hearing.
Planning Commission recommendation: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 7-0 (Cornelius and Weber absent).
Public Hearing before City Council is scheduled for Monday, May 14, 2012, 3:00 p.m.

4.2 Comprehensive Plan Conformance No. 12004, to review proposed street names and the proposed location of streets on property to be acquired by the City within the West Haymarket Redevelopment Area located in Sections 23-10-06 and 26-10-06 and to make a report to the City Council regarding conformity of such proposed acquisition and street locations with the 2040 Lincoln Lancaster County Comprehensive Plan. The report of the Planning Commission is required by Article IX-B Sec. 6 of the City Charter and is not an appealable final administrative or quasi judicial order or decision of the Planning Commission.

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Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov
Had public hearing.
Planning Commission recommendation: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 7-0 (Cornelius and Weber absent).
Resolution No. PC-01282.

PERMITS:

4.3 Special Permit No. 12017, for expansion of a nonconforming use, to add a drive thru to an existing pharmacy, on property generally located at S. Cotner Boulevard and Aldrich Road. ***** FINAL ACTION *****

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Staff recommendation: Conditional Approval
Staff Planner: Rashi Jain, 402-441-6372, rjain@lincoln.ne.gov
Had public hearing.
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated April 16, 2012, 6-0 (Cornelius and Weber absent; Lust declared a conflict of interest).
Resolution No. PC-01283.

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AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO

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PENDING LIST:

1. *Change of Zone No. 11028, amending Section 27.35.025 of the Lincoln Municipal Code to allow the sale of alcoholic beverages for consumption on the premises in the B-4 Lincoln Center Business District as a permitted conditional use; and repealing Section 27.35.025 of the Lincoln Municipal Code as hitherto existing.* ***(2-22-12: Planning Commission voted 7-0 to continue public hearing on May 16, 2012 at the request of the applicant.)***

Planning Dept. staff contacts:

Stephen Henrichsen, *Development Review Manager*	402-441-6374	shenrichsen@lincoln.ne.gov
Nicole Fleck-Tooze, *Long Range Planning Manager*	402-441-6363	ntooze@lincoln.ne.gov
Michael Brienzo, *Transportation Planner*	402-441-6369	mbrienzo@lincoln.ne.gov
Tom Cajka, *Planner*	402-441-5662	tcajka@lincoln.ne.gov
David Cary, *Planner*	402-441-6364	dcary@lincoln.ne.gov
Christy Eichorn, *Planner*	402-441-7603	ceichorn@lincoln.ne.gov
Brandon Garrett, *Planner*	402-441-6373	bgarrett@lincoln.ne.gov
Stacey Groshong Hageman, *Planner*	402-441-6361	slhageman@lincoln.ne.gov
Sara Hartzell, *Planner*	402-441-6371	shartzell@lincoln.ne.gov
Rashi Jain, *Planner*	402-441-6372	rjain@lincoln.ne.gov
Brian Will, *Planner*	402-441-6362	bwill@lincoln.ne.gov
Ed Zimmer, *Historic Preservation Planner*	402-441-6360	ezimmer@lincoln.ne.gov

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The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Sundays at 1:00 p.m. on 5 City TV, Cable Channel 5.

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The Planning Commission agenda may be accessed on the Internet at
http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm

PLANNING COMMISSION FINAL ACTION

NOTIFICATION

TO : Mayor Chris Beutler
Lincoln City Council

FROM : Jean Preister, Planning

DATE : May 2, 2012

RE : Notice of final action by Planning Commission: May 2, 2012

Please be advised that on May 2, 2012, the Lincoln City-Lancaster County Planning Commission adopted the following resolutions:

Resolution No. PC-01279, approving Special Permit No. 12011, with conditions, requested by Peterson and Suzanne Soung, to operate an indoor kennel in B-3 Commercial zoning, on property located at 2010 South 10th Street.

Resolution No. PC-01280, approving Special Permit No. 12012, with conditions, requested by Michael McCullough, to expand a nonconforming use to allow the expansion/reconstruction of a nonstandard house and detached garage on property located at 2900 South 28th Street.

Resolution No. PC-01281, approving Pre-Existing Special Permit No. 28C, requested by Union College, to expand Pre-Existing Special Permit No. 28B, to include additional area at the southeast corner of the campus to accommodate a new building and additional off-street parking, on property generally located at South 52nd Street and Prescott Avenue.

Resolution No. PC-01283, approving Special Permit No. 12017, requested by Randall Nelsen, to expand a nonconforming use to allow a drive-thru to an existing pharmacy at Four Star Drug in the Piedmont Shopping Center, generally located at South Cotner Boulevard and Aldrich Road.

This is final action unless appealed to the City Council by filing a notice of appeal with the City Clerk within 14 days of the action by the Planning Commission.

The Planning Commission Resolution may be accessed on the internet at www.lincoln.ne.gov (Keyword = PATS). Use the “Search Selection” screen and search by application number (i.e. SP12011, SP12012, PESP28C, SP12017). The Resolution and Planning Department staff report are in the “Related Documents” under the application number.

Q:\shared\wp\jlu\2012 ccnotice\050212

Memorandum

Date: ✦ May 1, 2012

To: ✦ City Clerk

From: ✦ Teresa McKinstry, Planning Dept.

Re: ✦ Administrative Approvals

cc: ✦ Jean Preister

This is a list of the Administrative Amendments that were approved by the Planning Director from April 24, 2012 thru April 30, 2012

Administrative Amendment No. 12008 to Change of Zone No. 11024, North Hills Planned Unit Development, approved by the Planning Director on April 24, 2012, requested by Southview, Inc., to show a specific site plan for the apartment complex, add Notes 16 and 17 and adjust the front yard setback to 20 feet, on property generally located at N. 14th St. and Fletcher Ave.

Administrative Amendment No. 12014 to Special Permit No. 1992A, Edenton Woods Community Unit Plan, approved by the Planning Director on April 30, 2012, requested by Edenton Woods, LLC., to adjust the rear setback for Lots 17-19, Block 3, to 20 feet and to show Lots 13-16, Block 3, for attached single-family dwellings, and to update the notes accordingly, on property generally located near Ashbrook Dr. and Highway 2.

City/County Planning Department
555 S. 10th Street, Rm. 213
Lincoln NE 68508
(402) 441-7491

Weed Abatement Program
Lancaster County / City of Lincoln
April 2012
www.lancaster.ne.gov/weeds

Inspection Activity

The 2012 growing season is a good 4 to 5 weeks ahead of what we see on a typical year. We've issued 30 legal notices and had to do one force mowing already in April. All this and our seasonal inspectors for weed abatement won't start until the middle of May.

Weed Abatement

264 Inspections
- 163 1st inspections
- 77 2nd inspections
- 24 3rd inspections

147 Complaints
- 140 1st complaints on a property.
- 7 2nd complaints on a property.

Noxious Weeds in Lincoln

132 Inspections
- 108 1st inspections
- 32 2nd inspections

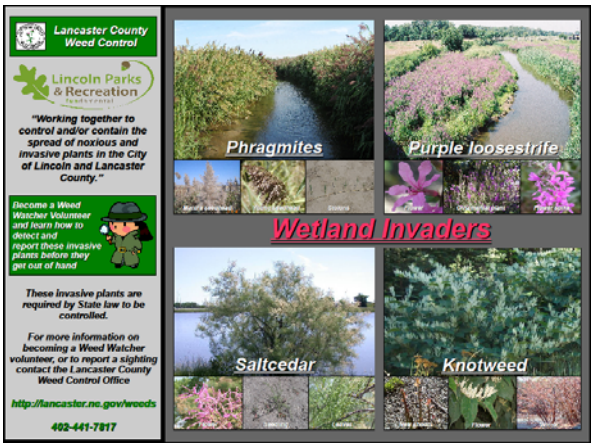
95 sites had uncontrolled noxious weeds

Leafy Spurge

Not all pretty yellow flowers are good! Leafy spurge is a noxious weed in the State and is required by law to be controlled. This season leafy spurge got a big head start on the competition and is very showy around Lincoln. It is a deep rooted perennial and is very difficult to control, so any new infestation should be treated as soon as it is spotted. Attached is an article we did for UNL Extensions monthly Acreage owners newsletter with more information on what to look for and how to control leafy spurge.

Kiosk

As part of our education and outreach plan to educate the public on what noxious weeds to look for, and how to identify them we have been working with the staff at Parks & Recreation to design a new kiosk to put in high public use areas around the city.



The kiosk have great pictures to help the citizens of Lincoln learn some of the noxious weeds that are required by State Law to be controlled as well as information on how they can get involved in preventing the spread of these wetland invaders.

May Planned Activities

1	Contract for mowing of abandoned Cemeteries- Uphoff, Dietz, Highland
1	Contracts for landfills
1-31	Leafy spurge roadside spraying
8	5 Rivers WMA
9	Prepare leafy spurge roadside map
10	Management Team Meeting
11	NE Invasive Species Council
14	Inspector training
15	LPWMA meeting
15	Phragmites inspections
15	Maps to RAW applicators for BNSF
15	Maps to Chem-Trol for UPRR
17	NWCA Region 1
28	Holiday
31	Problem Resolution Team

UNL Extension: Acreage Insights

Acreage eNews-May 2012

http://acreage.unl.edu

Leafy Spurge Management
By Brent Meyer, Lancaster County Weed Superintendent

With the warm weather we've had leafy spurge is about 4 to 6 weeks earlier than normal. While most landowners are familiar with the noxious thistles in the area, most are not aware of the potential problems they face with leafy spurge. Because it is a soft leafed plant that doesn't poke you, most don't realize it is a noxious weed and required by law to be controlled by the landowner.

Leafy spurge (Euphorbia esula L.) is a perennial plant ranging in size from 1 to 3 feet in height. A native of Europe and Asia, leafy spurge emerges early in the spring and gets a head start on other vegetation in a race for space, sunlight, nutrients and water. Prolific seed production and an extensive root system give the plant a huge competitive advantage and make consistent, long-term control difficult. Deep roots – which can exceed 20 feet in depth – store reserves of nutrients to see the plant through hard times, while lateral roots form a network that enable it to rapidly reproduce and spread. And, perhaps worst of all, leafy spurge is highly adaptable and can thrive in a variety of conditions and situations.

Monitoring of areas with known or potential leafy spurge infestations is critical; adequate control is possible if management procedures are implemented in the early stages of infestation, before the root system gets fully established. 100% eradication of spurge is rarely achieved, but infestations can be reduced to manageable levels with the use of herbicides.

Strategy

The control of well-established leafy spurge stands must be considered a long-term management program. A landowner must develop a persistent annual program that will prevent the spread of larger stands, eliminate smaller infestations, and prevent the spread of leafy spurge to uninfested areas. The extensive leafy spurge root system allows the plant to regrow from depths of 15 feet or more for several years. No single treatment will eradicate this weed. A consistent annual treatment program can provide long-term control. Do not skip a year, leafy spurge reinfests rapidly and in a very short time you will have lost any benefits from previous treatments. This is a common and costly mistake. Once you have achieved a high level of control, remaining isolated patches can be spot-treated, resulting in a less costly control program. Be vigilant in your spray program. Environmental conditions that favor leafy spurge can result in a resurgence of the weed and require you to resume a more aggressive control approach.

Chemical Control

The key to controlling leafy spurge is early detection and treatment of the initial invading plant. Because the weed is difficult to eradicate, a persistent management program is needed to control top growth and to gradually reduce the nutrient reserve in the root system. A key identifying factor is the latex sap that run's throughout the entire plant. If you aren't sure it's leafy spurge, break the plant apart and the sap will immediately appear. Follow the control recommendations in the University of Nebraska's EC130 Guide for Weed Management.

Mechanical Control and Grazing

Tillage, digging, mowing and grazing with sheep or goats will control the top growth but does not kill the roots. Cattle will NOT graze on leafy spurge. Even with continuous tillage, the top growth may not be seen but when tillage is stopped the leafy spurge reappears.

Contact Information

We need everyone's help, so if you would like more information on leafy spurge or would like to report an infestation contact the Lancaster County Weed Control Office, or your local County Weed Control Superintendant. Email: weeds@lancaster.ne.gov or phone 402-441-7817.

Mary M. Meyer

From: Anne R. Whitney [annewhit@earthlink.net]
Sent: Tuesday, May 01, 2012 9:27 AM
To: Council Packet
Subject: Fairness

Council Members,

I write as a former educator and now therapist in the Lincoln community. It is clear to me that all persons need to feel acceptance and support in order to pursue positive goals throughout their lives. Yet because certain people, such as LGBT persons, have not been granted such acceptance and support in the past, and have even been castigated in public and private forums, the Lincoln community needs to affirm out loud and in language what is their due as citizens of this community. Without question, like all people, GLBT individuals deserve and depend upon their communities for support. No more, no less.

Further, as a community, we depend on the contributions these individuals make to the public good. To express the value we place on all members of the community and on fairness itself is to acknowledge the contributions they make and to live out the values of equity and fairness for all.

Please give your full support to the Fairness Ordinance.

Thank you!
Anne Whitney

REALTORS® ASSOCIATION
OF LINCOLN

April 30, 2012

Lincoln City Council
555 So. 10th Street, Room 111
Lincoln, Nebraska 68508

Dear Council Members:

I am writing on behalf of the REALTORS® Association of Lincoln in support of the proposed Fairness Ordinance.

The National Association of REALTORS®, over 1 million members strong, amended Article 10 (Duties to the Public) of the REALTOR® Code of Ethics and Standards of Practice to include sexual orientation as a protected class in November of 2009. The REALTORS® Association of Lincoln also recently amended the discrimination policy included in their real estate contracts to include protection against discrimination based on sexual orientation.

We are dedicated to the protection and preservation of the individual and collective rights to own real property as guaranteed by the Constitution of the United States and the State of Nebraska. No person should have their right to rent or purchase shelter of choice abridged because of race, color, religion, sex, handicap, familial status, national origin, ancestry, marital status or sexual orientation.

To put it quite simply, REALTORS® believe in the fair treatment of all. Included in our pledge is, "To act fairly towards all in the spirit of the Golden Rule." To treat others the way you would want to be treated. We appreciate the City of Lincoln and Mayor Beutler for believing the same and proposing the amendments to Title 11 of the Lincoln Municipal Code relating to Equal Opportunity.

With regards,

Nicole D. Jensen
Executive Vice President
REALTORS® Association

Cc: Mayor Chris Beutler

8231 Beechwood Drive • Lincoln, NE 68510-2678 • Phone: 402.441.3620 • Fax: 402.441.3630

Mary M. Meyer

From: markregel@windstream.net
Sent: Tuesday, May 01, 2012 10:32 AM
To: Council Packet
Cc: Jon Camp
Subject: Protected Class

Dear Lincoln city Council,

Yesterday afternoon I heard a news clip about a new ordinance to add sexual orientation and gender identity as a protected class. It was said the proposal has widespread support but we don't want to afford citizens the opportunity to vote on it because that would be "divisive". Is this how we define "democracy" today? We don't care what the people think. If the folks at the University of Nebraska want it let's just say it has "widespread' support and make it the law of the land!

Creating protected classes with special rights only propagates the widely held perception that we are becoming a nation of victims. Why stop at homosexuals, how about adding obese people to the list? If anyone faces discrimination they do! Even motor cycle enthusiasts face prejudice, how about creating a protected class for "Harley Riders"?

My wife is a Pacific Islander, and according to some definitions qualifies as a "woman of color" and a member of a "protected class". After immigrating to this country she attended SECC and obtained certification as a CNA and medication assistant. Let me tell you something – her ethnicity is a big advantage when it comes to employment. Why? Because Filipino nurses have a reputation of being hard workers and providing outstanding care. It's true – only a few days on the job and residents were asking for her by name. So what should we do? Create a protected class for white nurses because the pacific islanders work harder? Absurd!

Mark Dietel

Mary M. Meyer

From: Linda Helfman [lindahelfman@earthlink.net]
Sent: Monday, April 30, 2012 7:40 PM
To: Council Packet
Subject: Equal rights

To the Lincoln Council,

I am very strongly in favor of the current pending legislation regarding fair and equal treatment of all our citizens. Please vote accordingly.

Linda Helfman

Mary M. Meyer

From: Lee [leefoster48@hotmail.com]
Sent: Tuesday, May 01, 2012 6:35 PM
To: Council Packet
Subject: Support for the Fairness Ordinance

Dear Lincoln City Council Members:

I'm a gay member of the Lincoln community and I support the Fairness Ordinance. As a retired employee of State Farm Insurance (after 45 years in Lincoln office) I had the advantage of being protected by the companies non-discrimination policy for LGBT individuals. I do know that, unfortunately, not all residences have that protection.

Only with a Fairness Ordinance in place will ALL members of the LGBT community in Lincoln have the same protection I enjoyed. I urge you to vote for the ordinance at the May 14 city council session.

Thank you for listening to a long-term resident of, and contributor to, the Lincoln community.

Terry "Lee" Foster

4422 Smoke Tree Hollow

Lincoln, NE 68516

402 560-2860

leefoster48@hotmail.com

Mary M. Meyer

From: Rick Fedderson [rickjfedderson@yahoo.com]
Sent: Tuesday, May 01, 2012 11:25 PM
To: Council Packet
Subject: Anti-discrimination protection for GLBT in Lincoln

I wanted to share how much I appreciate Councilman Eskridge's introducing the Anti-discrimination measure in Lincoln. It's a great move forward in the arena of personal rights.

thanks,
Rick Fedderson

Mary M. Meyer

From: Council Packet
Subject: FW: The Fairness Ordinance

From: Becky Key [mailto:bkh76@hotmail.com]
Sent: Tuesday, May 01, 2012 11:58 PM
To: Joan E. Ross
Subject: The Fairness Ordinance

Dear Ms. Ross,

I'm writing as a Lincoln resident in support of a city ordinance that would protect gay, lesbian and transgendered citizens against housing and employment discrimination. As a woman, mother, wife and member of the community, I urge the City Council to do the same.
Lincoln is a wonderful place to live and raise a family, but we can make it a better place if every individual enjoys equal protection under the law. I stand in complete support of the fairness ordinance.
Please pass this sentiment to all Council members.

Respectfully,

Becky Key Boesen
3431 Van Dorn
Lincoln, NE 68506
402-309-0774

Mary M. Meyer

From: Council Packet
Subject: FW: Fair Ordinance

From: Joan E. Ross

From: Susan Kinyon [mailto:skinyon@windstream.net]
Sent: Wednesday, May 02, 2012 5:21 AM
To: Joan E. Ross
Subject: Fair Ordinance

To Whom It May Concern,

I fully support the Fair Ordinance being proposed. I understand from Dave Landis we are encouraged to write you in support of this and you will forward on.

Thanks for your help in getting this passed to all people are treated fairly.

Susan J. Kinyon
1826 Normandy Lane
Lincoln, NE 68512-1465
402-421-1997

Mary M. Meyer

From: Council Packet
Subject: FW: Fairness Ordinance

From: Tari Hendrickson [mailto:tarihendrickson@gmail.com]
Sent: Tuesday, May 01, 2012 11:32 PM
To: Joan E. Ross
Subject: Fairness Ordinance

Dear All,

I'd like to let all City Council members know that I, too, am in support of the measure dubbed, " The Fairness Ordinance." This ordinance will help extend assurances for equal treatment. It's good for economic development. It will demonstrate compassion in our Lincoln community.

With thanks for all you do for Lincoln, Nebraska!

Tari Hendrickson
3310 S. 27th Street
Lincoln, NE 68502

MESSAGE:

1. Rita A. Turek. Support the Fairness Ordinance. Should be fairness for everyone in the United States, the workplace or anywhere else.

Mary M. Meyer

From: Joan E. Ross
Sent: Wednesday, May 02, 2012 9:36 AM
To: 'Jean Sanders'
Cc: Council Packet
Subject: RE: Fairness ordinance

Jean - I am forwarding your message of support to the Council secretary, Mary Meyer. Mary will ensure that all Council members receive your message. Have a good day.
-----Original Message-----
From: Jean Sanders [mailto:jsanders@neb.rr.com]
Sent: Wednesday, May 02, 2012 9:21 AM
To: Joan E. Ross
Subject: Fairness ordinance

I strongly support the City Fairness Ordinance!

Jean Sanders
LD 28
Precinct 9-D-1

Mary M. Meyer

From: Council Packet
Subject: FW: Fairness Ordinance

From: Petrea Whittier [mailto:pwhit0116@yahoo.com]
Sent: Wednesday, May 02, 2012 8:17 AM
To: Joan E. Ross
Subject:

Hello. I am sending this e-mail to voice my support for the fairness ordinance that is currently being considered by the city council. As a voting member residing in the city of Lincoln, issues of human rights are extremely important to me. I urge the city council members to pass this ordinance, and prove that regardless of political position, equality between all citizens is necessary. I reside at 6301 rainier court, and would like to inform Jon Camp that if he fails to support this law, he will most certainly lose my support as a voter.

Petrea Whittier

Mary M. Meyer

From: Council Packet
Subject: FW: Fairness Ordinance

From: Petrea Whittier [mailto:pwhit0116@yahoo.com]
Sent: Wednesday, May 02, 2012 8:17 AM
To: Joan E. Ross
Subject:

Hello. I am sending this e-mail to voice my support for the fairness ordinance that is currently being considered by the city council. As a voting member residing in the city of Lincoln, issues of human rights are extremely important to me. I urge the city council members to pass this ordinance, and prove that regardless of political position, equality between all citizens is necessary. I reside at 6301 rainier court, and would like to inform Jon Camp that if he fails to support this law, he will most certainly lose my support as a voter.

Petrea Whittier

Mary M. Meyer

From: Council Packet
Subject: FW: Fairness

-----Original Message-----
From: Joan E. Ross
Sent: Wednesday, May 02, 2012 10:19 AM
To: Council Packet
Subject: FW: Fairness

Mr. Ferris, I am forwarding your message to Council Secretary, Mary Meyer. Mary will ensure that Council members receive your message. Have a good day.

-----Original Message-----
From: G Steven Ferris [mailto:sferris@inebraska.com]
Sent: Wednesday, May 02, 2012 9:37 AM
To: Joan E. Ross
Subject: Fairness

to members of the Lincoln City Council

I write in support of the "Fairness Ordinance" which is now before the council. I urge you ALL to support this measure because Lincoln needs to send a LOUD message of welcome and tolerance. I am a retired person living on a pension, and feel strongly that we need to protect GLBTQSA persons from housing and employment discrimination.

I am a registered voter and, indeed, have already voted in the upcoming primary. in the past forty years, I have voted in every general election and in all, but one, primary elections.

address: 311 South 28th Street, Lincoln, NE 68510

George S Ferris

This message was sent using IMP, the Internet Messaging Program.

Mary M. Meyer

From: Heather Ropes [hropes@msn.com]
Sent: Tuesday, May 01, 2012 5:54 PM
To: Council Packet
Subject: Make Lincoln Fair

May 1, 2012

Dear Lincoln City Council;

I support Make Lincoln Fair. I am a person of faith attending a fundamental Bible-based church. I have friends who are gay and lesbian. They are good workers and I do not want Lincoln to be a community where they have to be concerned about fairness in the workplace.

R. Heather Ropes
2001 South 18th Street
Lincoln, NE 68502

Mary M. Meyer

From: gingerandjd@windstream.net
Sent: Wednesday, May 02, 2012 11:08 AM
To: Council Packet
Subject: Justice as Fairness

Last night, my good friend, Dave Landis, brought this archaic issue to our collective attention regarding fairness/unfairness toward sexual orientation. Hello..? I believe we're over12 years into the 21st Century, right?

As a resident of LA in the 80's and 90's, I noticed there was no need for public outcry about justice and fairness toward others whose sexual orientation didn't "comply" with your personal preferences. If you're the Executive Director of the Western Hemisphere then maybe your personal preference could have some value in the public forum..?

My expectation is our City Council will quickly recognize the humiliating Midwestern type-casting permeating this issue and not be afraid to take the right action. Welcome to the 21st Century! ~ J. D.

Mary M. Meyer

From: Joan E. Ross
Sent: Wednesday, May 02, 2012 11:18 AM
To: Council Packet
Subject: FW: The Fairness Ordinance

Brenda, I am forwarding your message to Council secretary, Mary Meyer. Mary will ensure that Council members receive your message. Have a good day.

From: Brenda West [mailto:westbre@gmail.com]
Sent: Wednesday, May 02, 2012 9:30 AM
To: Joan E. Ross
Subject: The Fairness Ordinance

Hello,

I would like to stand out strongly in favor of adopting this stance for the City of Lincoln. Thank you,

Brenda West
1000 N 68th St
Lincoln, NE 68505

Mary M. Meyer

From: Joan E. Ross
Sent: Wednesday, May 02, 2012 12:48 PM
To: Council Packet
Subject: FW: Fairness Ordinance

Diane - I am forwarding your message of support to Council Secretary, Mary Meyer. Mary will ensure that Council members receive your message. Have a good day.

From: Diane Aurelia Burton [mailto:daburton65@hotmail.com]
Sent: Wednesday, May 02, 2012 7:03 AM
To: Joan E. Ross
Subject: Fairness Ordinance

Please share with the City Council my staunch support for the Fairness Ordinance. I firmly believe that the Fairness Ordinance will solidify Lincoln's standing as a welcoming, open-minded community, which can only enhance its economic stability.

Diane A. Burton
1505 Smith Street
Lincoln, Nebraska 68502

Mary M. Meyer

From: Benjamin Vogt [enfrancais@att.net]
Sent: Wednesday, May 02, 2012 12:43 PM
To: Council Packet
Subject: Please Pass the Fairness Ordinance

This is long overdue. Please create eqaulity in our wonderful city!

Benjamin Vogt
enfrancais@att.net
http://monarchgard.blogspot.com

Mary M. Meyer

From: Mark Hiatt [Mark@MarkHiatt.com]
Sent: Wednesday, May 02, 2012 6:30 PM
To: Council Packet
Cc: Jonathan A. Cook
Subject: Fairness Ordinance

I just wanted to write to say that I am in favor of the (12-45) Fairness Ordinance pending before the council.

I do not believe anyone should lose their job because of their sexual orientation or gender identity, and don't believe an employer has any business in anyone's bedroom.

Mark D Hiatt
3840 A Street
Lincoln, NE 68510-3528
(402) 477-0697

Mary M. Meyer

From: Anne Melang-Thoren [annemelangthoren@yahoo.com]
Sent: Wednesday, May 02, 2012 8:23 PM
To: Council Packet
Subject: Equal rights for LGBT

To whom it may concern:

Lesbian, gay, bisexual, and transgendered people deserve the same rights as the rest of us. They shouldn't be discriminated against or fired from a job because of their sexuality. That is completely ridiculous and completely offensive. Get with it and stop the discrimination!!!

Respectfully,

Anne Melang-Thoren and family

PS. Good grief!!!! It's 2012!!!

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Wednesday, May 02, 2012 9:59 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Patricia Patton
Address: 1038 North 44th Str
City: Lincoln, NE 68503

Phone:
Fax:
Email:

Comment or Question:
I implore each of you on the Lincoln City Council to vote against the Fairness Ordinance. This legislation is an affront to the consciences of all Americans who believe in the right to raise our children in a society free of life threatening situations. Do you want your children and grandchildren to be afraid to go to the restroom, use a dressing room when shopping,or use a locker room at a gym? How can an ordinance such as this be policed to protect the innocent, the elderly? Does the right to privacy apply to our most vulnerable citizens? This is a deplorable piece of legislation that must be stopped! What is happening to our once great and noble country?

Mary M. Meyer

From: Joseph Swoboda [jswoboda@neb.rr.com]
Sent: Wednesday, May 02, 2012 11:06 PM
To: Council Packet
Cc: Lin Quenzer
Subject: Fairness Doctrine

Dear Members of the City Council.

I write tonight to give my support for passing and implementing a Fairness Doctrine in the City of Lincoln. As I understand it, this doctrine would include protections for gay, lesbian, bisexual and transgendered persons across several domains. As a psychologist, county employee and active member of our state psychological association, I have not only treated and advocated for individuals who are to come under the protections of the Fairness Doctrine, I have also come to understand their contributions to the well-being of our community and to the State of Nebraska. In fact, this doctrine would not only rectify the grossly unfair practices of explicit and implicit discrimination in housing, in social life and discourse, and in promotion of business and education, it would also promote even better mental health in the citizens who are the objects of such discrimination. Many of our fellow gay, lesbian, bisexual and transgendered citizens have had to use mental health services in order to maintain their collective sanity in an often brutalizing environment of discrimination, bullying and other forms of punishment. Passage of this doctrine would not only promote fairness for our fellow citizens, it would go a long way to legitimizing their existence in the public forum of opinion and decision-making that is the essence of our vibrant and beautiful community. I strongly urge passage of the Fairness Doctrine at the Council meeting on May 7, 2012.

Respectfully submitted,

Joseph Swoboda, Ph.D.

Mary M. Meyer

From: Melissa McKibbin [melissa.mckibbin@gmail.com]
Sent: Thursday, May 03, 2012 6:30 AM
To: Council Packet
Subject: Fairness Ordinance Support

I urge you to join me in supporting the proposed Fairness Ordinance.

Melissa McKibbin
1735 South 16th Street
Lincoln, NE 68502

Mary M. Meyer

From: Joan E. Ross
Sent: Thursday, May 03, 2012 8:06 AM
To: Council Packet
Subject: FW: Support of The Fairness Ordinance

John - I am forwarding your message of support to the Council secretary who will ensure that Council members receive your message. Have a good day.

-----Original Message-----
From: jjack1@neb.rr.com [mailto:jjack1@neb.rr.com]
Sent: Wednesday, May 02, 2012 1:45 AM
To: Joan E. Ross
Subject: Support of The Fairness Ordinance

Dear City Clerk and Lincoln City Council Memebers,

My name is John Jack and I am a Lincoln resident of over 22 years and I would like to express my public support for The Fairness Ordinance. I would like you to all support the upcoming vote and pass this ordinance. I do not think it is favoritism, nor is it "special treatment." It is simply showing that people are, in fact, descriminated against and it is unfair. I believe that Lincoln, NE, can be another great example across the country of modern thinking and tolerance for our friends of the GLBT community.

Thank you for your time.

John Jack
2627 D st
Lincoln,NE 68510

Mary M. Meyer

From: Julie Pinnell [pinnellster@gmail.com]
Sent: Wednesday, May 02, 2012 7:01 PM
To: Council Packet
Subject: Support for the anti-discrimination ordinance

I am very much in favor of the anti-discrimination ordinance sponsored by Carl Eskridge. It should be expanded to cover gay, bisexual, lesbian and transgender people.

Julie Pinnell
2133 Heather Lane
Lincoln NE
68512

Mary M. Meyer

From: randygerke@windstream.net
Sent: Wednesday, May 02, 2012 11:01 PM
To: Council Packet
Subject: Fairness Ordinance

I am a registered REPUBLICAN voter. This is written to encourage you to vote FOR the Fairness Ordinance. I work for an organization that will not be covered under this ordinance however I feel that this is good for Lincoln and good for Nebraska. Thank you in advance for moving this forward.

Randy Gerke
1625 Burr Street
Lincoln, NE 68502

402-720-2667

Mary M. Meyer

From: Pastor Renae Koehler [pastor.koehler@windstream.net]
Sent: Wednesday, May 02, 2012 4:35 PM
To: Council Packet
Subject: in support of adding sexual orientation and gender identity to protect from discrimingation.

Dear City Council Members,
I support the amendment that Carl Eskridge introduced, to add sexual orientation and gender identity to the ordinance providing protection from discrimination in the workplace. While pastoring churches for nineteen years, I have led my congregations to work toward fairness and justice. Our faith seeks to uphold and support gay, lesbian, bisexual and transgender persons. This is the right thing to do. Please support this ordinance and provide protection from discrimination.

Sincerely,
Rev. Dr. Renae Koehler
Vine Congregational Church, United Church of Christ
Lincoln, NE

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Thursday, May 03, 2012 12:55 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Chad Barnhardt
Address: 6238 Sunrise Road
City: Lincoln, NE, 68510

Phone: 402-617-4714
Fax:
Email: chud13@gmail.com

Comment or Question:
I was just Department of Motor Vehicles licensing a brand new trailer I bought. I paid $240 for the trailer, and it cost me $80 in taxes and fees!

Bottom line: that is a 25% sales tax! I think you will agree, that is outrageous!

Thanks for your time,
Chad Barnhardt

Mary M. Meyer

From: Dieken, Coleen [cdieken@commonwealthelectric.com]
Sent: Thursday, May 03, 2012 12:47 PM
To: Council Packet
Subject: GL&T PROTECTION

This is all about money.

This will serve the Gay, Lesbian, and Transgender an avenue to sue the city, or employer, or potential business, if they feel "discriminated" against.
If a business does not hire someone, they could use the excuse that it is because they are discriminated against. If someone is fired, it will be because it is because they are being discriminated against. This gives them special protection.

The business will have to spend money to hire a lawyer to defend themselves. This is nothing but a big, expensive, costly, change to "protect" GL&T. A way to sue everyone and anyone. It won't matter if there is a legitimate excuse against this segment of citizens, no one will be comfortable to have anything to do with them because of the repercussions they may have when they have any dealings with them. This will only serve to divide, not create acceptance.

Any segment requiring special protection is only looking to set themselves apart and cause more speculation and separation. They want compensation for being "special".

If this bill also covers housing – we are looking at a crippling load of lawsuits that will be brought on with this bill.

Don't pass this. This is to put a segment of citizens at the head of the line. Where is the fairness!!!!! It is set up for lawsuits. Money. Privilege for a few.

How about the obese? How about people that are left-handed? How about green-eyed people?

Perhaps we should have special protection for citizens that have no education!

Stop with all sorts of Special Protection. This creates unfairness. They are already protected with the current discrimination laws. They should look for fairness with their ability to do a job (etc) not because of their sexual preferences. They have legal justification now if they are looking for fairness when ability to perform their job is in question. Throw sex in this and it reduces the argument to ie: "you don't like me because I'm gay" not whether or not you can do the job.

CONFIDENTIALITY NOTICE: This communication is the property of Commonwealth Electric Company of the Midwest and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.

DIRECTORS' AGENDA
ADDENDUM
MONDAY, MAY 7, 2012

I. CITY CLERK

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS

MAYOR

1. NEWS ADVISORY. Mayor Beutler, Councilman Eskridge, and City Attorney Confer will respond to Attorney General's opinion on proposed Fairness Ordnance at a news conference, today at 1:30, at 555 S. 10th, Room 303.
2. NEWS RELEASE. City to proceed with Fairness Ordinance.
3. NEWS RELEASE. Mayor Beutler's public schedule for the week of May 5, 2012 through May 12, 2012.

III. DIRECTORS

HEALTH DEPARTMENT

1. NEWS RELEASE. Lincoln One of the Cleanest Metros in Nation for Ozone.

PARKS AND RECREATION

1. Parks and Recreation Advisory Board meeting agenda for May 10, 2012.
   a) Parks and Recreation Advisory Board meeting minutes of April 12, 2012.

IV. COUNCIL MEMBERS

JON CAMP

1. Colleen Floth email in favor of the Fairness Ordinance.
2. Dr. Phillip McNealy phone message opposing the Fairness Ordinance.
3. *Sidewalk and Street Standards* information, questions, from Councilman Camp for consideration.
4. Correspondence from Mike Friend on protected class ordinance and process. Make decisions based on facts. Attached hate crimes fact sheet.
5. Mary Betten email. No need for the ordinance on discrimination to be considered by Council. Vote against.

JONATHAN COOK

1. Phone message from Dr. Phillip McNealy. Do not vote for the Fairness Ordinance.

CARL ESKRIDGE

1. Letter from Harold Wilson in favor of proposed anti discrimination ordinance.

ADAM HORNUNG

1. Phone message from Mary Quintero with concerns on the Fairness Ordinance.

V. CORRESPONDENCE FROM CITIZENS

1. Don Crouch email with suggestions for the Centennial Mall area during renovations.
2. Margery M. Ambrosius email in support of the Fairness Ordinance.
3. Cameron Neira email in support for the Fairness Ordinance.

4. JoMac email in favor of the Fairness Ordinance.
5. Overnight voice mails:
   a) Kurt Meyer against the Fairness Ordinance.
   b) Greg Swanson do not pass the Fairness Ordinance.
6. Robert Way letter detailing importance of Centennial Mall. Status changes should recognize the uniqueness and protect it.
7. The Near South Neighborhood Association Board of Directors supports City policies which encourage use of local financial institutions when the City conducts business, and urge the City Council to adopt policies and practices to make use of local financial institutions.
8. Kathleen Hueser email in support of the Fairness Ordinance.
9. Ann Suyker InterLinc correspondence strongly opposing the Fairness Ordinance.
10. Christina Grissita phone message. Vote against the Fairness Ordinance.
11. Larry Gadeken InterLinc correspondence. Vote against the Fairness Ordinance.
12. Sandra Ellenwood. Please support the Fairness Ordinance.
13. Sitaram Jaswal. Urge Council to support the Fairness Ordinance.
14. Travis Davis. In support of the Fairness Ordinance.
15. Julie Banks. Encourage Council to pass the Fairness Ordinance.
16. Robert D. Brown. Strongly support Council's efforts to pass the Fairness Ordinance.
17. LeeAnn Pancharoen. In support of the Fairness Ordinance.
18. Stephanie Dohner. Support the Fairness Ordinance proposed by Councilman Eskridge.
19. Megan Strain. In support of the Fairness Ordinance.
20. Judith Gibson. Vote in favor of the Fairness Ordinance.
21. David Ficken. Vote against the Fairness Ordinance.
22. Brent Gillett. Opposed to the Fairness Ordinance.
23. Becky Witt. Support proposed Fairness Ordinance.
24. Barbara J. DiBernard. In support for the Fairness Ordinance.
25. Alyx Knight attaching testimony for fairness and in strong support for the Fairness Ordinance.
26. Thomas and Muriel Shores. Vote yes on the Fairness Ordinance.
27. Janece Mollhoff. Want Council to pass the Fairness Ordinance.
28. Jean Burke. The Fairness Ordinance is right thing for Lincoln.
29. Pat Friesen. Urge Council to support the Fairness Ordinance.
30. Karen Amen. The Fairness Ordinance is a positive evolution of our community.
31. Laynn Janese Beranek. Asking Council to vote yes on the Fairness Ordinance.
32. Barb Nichols. Strongly against the Fairness Ordinance. Discrimination of rights of the moral.
33. Jan Gradwohl. Letter of support and written testimony in favor of the Fairness Ordinance.
34. Tyler Richard, Outlinc President. Email outlining his attached Fairness Ordinance packet. In support of Fairness Ordinance
35. Fairness Ordinance hearing packet prepared by Outlinc.
36. Tim Rinne. Nebraskans for Peace urges support of the Fairness Ordinance.
37. Perry and Kathy Demma. Opposed to the proposed Fairness Ordinance.
38. Teri Hlava. Fully support the Fairness Ordinance.
39. Telephone messages:
   a) Nancy. Against passing the anti discrimination ordinance.
   b) Tom Dirks, do not pass the Fairness Ordinance.
   c) Amber Parker. Against the Fairness Ordinance.
   d) Sheila Collins. Against the Fairness Ordinance.

e) Amy Birky. In support of the Fairness Ordinance.
f) Jim Lockwood. Reject the Fairness Ordinance.
g) Gretchen and Kyle Garrison. Against the Fairness Ordinance.
h) Bill Kollar. Against the Fairness Ordinance.
i) Minette Genuchi. In favor of the Fairness Ordinance

40. Charlotte Ralston. Against the proposed Fairness Ordinance.
41. Warren Barnell. Concerned about potential ramification of the Fairness Ordinance.
42. Jon Zvolanek. Do not support the Fairness Ordinance as currently written.

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OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 402-441-7511

DATE: May 4, 2012
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 402-441-7831

Mayor Chris Beutler, City Council member Carl Eskridge and City Attorney Rod Confer will respond to the Attorney General's opinion on the proposed Fairness Ordinance at a news conference at **1:30 p.m. TODAY, Friday, May 4** in **Room 303, third floor of the County-City Building, 555 S. 10th St.**

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 402-441-7511

FOR IMMEDIATE RELEASE: May 4, 2012
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 402-441-7831
Rod Confer, City Attorney, 402-441-7281

CITY TO PROCEED WITH FAIRNESS ORDINANCE

Mayor Chris Beutler said he strongly disagrees with a Nebraska Attorney General's opinion on the City's proposed Fairness Ordinance, and that the City will move forward as planned.
The Fairness Ordinance, introduced Monday by City Council member Carl Eskridge, would protect gay, lesbian, bisexual and transgendered individuals from discrimination in the workplace, in housing and in public accommodations. The Attorney General's opinion states that cities cannot enact such legislation without a change in State law or without a public vote to change the City Charter.

"The opinion is just that – an opinion. It has no binding effect on the City," Beutler said. "I can think of no reason to stop moving forward with this ordinance, and I can think of many reasons to get this protection on the books. As others have pointed out, this is not just a matter of justice, it's also an economic development issue and a quality of life issue."

The Council will have a public hearing on the ordinance at its meeting Monday, May 7 and is scheduled to take a vote Monday May 14.

"The basic issue here is fairness," Mayor Beutler said. "No one should live in fear of losing a job or housing because of sexual orientation or gender identity. Lincoln is the Capital City of Nebraska -- a state whose motto is 'equality before the law.' It's time to make those words ring true for everyone in our community. The bottom line is that we cannot claim to be an inclusive society if we allow discriminatory practices against these citizens. Everyone deserves to be respected."

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Date: May 4, 2012
Contact: Diane Gonzolas, Citizen Information Center, 402-441-7831

Mayor Beutler's Public Schedule
Week of May 5 through 11
Schedule subject to change

Saturday, May 5
- Mayor's Run, remarks - 7:30 a.m. State Capitol

Sunday, May 6
- Lincoln Marathon, remarks and start race - 6:45 a.m., near 14th and Vine streets
- Installation of new pastor and reception, remarks (at reception) - 9 a.m. service, 10 a.m. reception, Grace Lutheran Church, 22nd and Washington streets

Monday, May 7
- International visitors from Canada - 1:30 p.m., Mayor's Conference Room, County-City Building, 555 S. 10th St.
- Cabela's ribbon-cutting and grand opening, remarks - 3 p.m., 4800 N.W. 1st Street, basement auditorium in new addition

Tuesday, May 8
- Mayor's Multicultural Advisory Committee - 4 p.m., Mayor's Conference Room

CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
3140 "N" Street, Lincoln, NE 68510, 402-441-8000

FOR IMMEDIATE RELEASE: May 4, 2012
FOR MORE INFORMATION: Chris Schroeder, Air Quality Supervisor, 402-441-6272

LINCOLN ONE OF CLEANEST METROS IN NATION FOR OZONE

Lincoln has been ranked as one of the cleanest metropolitan areas in the country for ozone, according to a new report from the American Lung Association. The rankings are based in part on the Air Quality Index developed by the U.S. Environmental Protection Agency (EPA) to alert the public to daily unhealthy air conditions.

The annual "State of the Air 2012" report used data collected by the Lincoln-Lancaster County Health Department (LLCHD) for the two most widespread types of air pollution – ozone (smog) and particle pollution (soot). The Lung Association gave Lincoln grades of A for ozone, B for short-term particle pollution and "pass" for annual particle pollution.

Scott Holmes, Manager of LLCHD's Environmental Health Division, said EPA regulations on vehicles, industries and businesses have reduced air pollution, especially nitrous oxides and volatile organic compounds that combine to create ozone.

"The City and businesses have worked collaboratively to improve air quality and assure our residents that their air is safe to breathe," Holmes said. "Federal grant money was used to reduce pollution from older diesel trucks, buses and heavy equipment used by the City, the Lincoln and Norris school districts and trucking companies. Alternative power units were installed on eight BNSF Railway switch engines, reducing pollution by nearly 50 percent."

The American Lung Association reports that more than 40 percent of people in the U.S. live in areas where air pollution can cause wheezing and coughing, asthma attacks, heart attacks and premature death.

The LLCHD recommends the following action to reduce air pollution:

- Drive less. Combine trips, walk, bike, carpool and use buses.
- Keep your car well-maintained and tires properly inflated.
- Buy electric-powered lawn and garden equipment.
- Use less electricity by turning off lights and using energy-efficient appliances.
- Don’t burn wood or trash.

More information is available at lincoln.ne.gov (keyword: air).

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NOTICE OF ADVISORY BOARD MEETING

TO:	Parks and Recreation Advisory Board, Mayor, City Council, City Clerk, Media
FROM:	Lynn Johnson, Director, Lincoln Parks & Recreation Department
MEETING DATE:	May 10, 2012
LOCATION:	**Parks & Recreation Dept. (Large Conference Room)**
TIME:	4:00 - 5:30 p.m.
CHAIR:	Anne Pagel

A G E N D A

1. **Introduction of new Board member, Peter Levitov**
2. **Recognition of service of outgoing Board member Susan Larson Rodenburg**
3. **Call to Order and Recognition of 'Open Meetings Act'**
4. **Approval of Minutes:** * April 12, 2012, meeting
5. **Comments from the Public for Items not Listed on the Agenda:**
6. **Committee Reports**

   A. **Fees & Facilities Committee - Susan Deitchler (Chair) - 488-4224**
   - * Recommendation re: updating guidance statement for renovation of Woods Park Tennis Center.
   - * Recommendation re: declaring western portion of Parks & Recreation Maintenance Facility, generally located at 21st & "M" Street, as surplus property.
   - * Recommendation re: declaring the eastern portion of the Parks & Recreation Maintenance Facility, including the Muny Bldg., as surplus.

   B. **Futures Committee - Bob Ripley (Chair) 471-0419 or 488-5131**
   - * Recommendation re: naming of the bird garden at the Chet Ager Building in Pioneers Park Nature Ctr. in tribute to Irene and George Alexander.

   C. **Golf Report**
   - Rounds and revenue report

   D. **Executive Committee - Anne Pagel (Chair) - 402-570-9194**
   - * Recommendation re: guidelines for planting of trees in park areas by private parties.
7. **Staff Report:**
   - Status report on Holmes Golf Course Clubhouse replacement project
   - Status report on Nebraska's Centennial Mall Phase 1 construction
   - Planning for Union Plaza and Jayne Snyder Trails Center dedication
   - Letter sent to representatives of the Lincoln Municipal Band regrading the proposed replacement of the band shell in Antelope Park
8. **Announcements:**
   - 'Wake up the Beds' volunteer planting event at Sunken Gardens, May 12th, 8:30 a.m.

**** Denotes Action Items***

MINUTES

Parks & Recreation Advisory Board Meeting

Parks & Recreation Conference Room

Thursday, April 12, 2012

Members Present:

Andrew Barry	Molly Brummond	Justin Carlson	Jonathan Cook
Jim Crook	Susan Deitchler	Todd Fitzgerald	Karen Hand
Anne Pagel	Jane Raybould	Bob Ripley	Susan Rodenburg
Dennis Scheer	Joe Tidball		

Members Absent:

Keelan Chapman Jeff Schwebke

Recognition of 'Open Meetings Act': As per law, Chairperson Anne Pagel announced that the Board follows the regulations of this Act, as posted.

*** APPROVAL OF MINUTES:** ***It was moved (Deitchler) and seconded (Scheer) to approve the minutes of the March 8, 2012, after corrections are made. Motion carried by majority vote of members present with Hand, Ripley and Scheer abstaining.*** **(A copy of the amended minutes will be kept on file at the Parks & Recreation Admin Office.)**

PUBLIC COMMENTS FOR ITEMS (other than those listed on the current Agenda): There were several members of the Taylor Park neighborhood who attended the meeting to address the issue of the long and/or native grass areas that are being established in Taylor Park. Staff members of Parks and Recreation will continue to address their concerns but assured them that this is a 'work in progress' that will take at least five years to see the benefits.

There was one member of the Roberts Park neighborhood in attendance who asked permission to mow a part of the park himself in order to assist Parks staff. Jerry Shorney will work with him to accomplish this.

COMMITTEE REPORTS

Fees & Facilities Committee - Susan Deitchler, Chair - 488-4224

- *** Recommendation re: updating guidance statement for new performance structure in Antelope Park:**

  Parks and Recreation staff are recommending that the guidance statement for the proposed performance structure in Antelope Park be revised to provide direction for developing a new schematic plan for this project. Parks and Recreation Dept. staff have met with reps of the Lincoln Municipal Band (LMB) and have recommended that a plan be developed that could be accomplished in phases over time. Staff also recommends that consideration be given to utilizing a pre-manufactured structure to reduce construction costs. An excerpt from the Guidance Statement (adopted by PRAB in 2008 and amended in 2009) is as follows:

  Antelope Park and Auld Pavilion are historically significant within Lincoln's parks and recreation system. The design character of a future proposed performance structure should be respectful of and complimentary to the classic architectural features of Auld Pavilion and the Nebraska Liberty Bell Pavilion. Auld Pavilion is the signature architectural feature of this area of Antelope

Park. The proposed performance structure should be subordinate to Auld Pavilion in size, scale and architectural detailing.

The current bandshell is reportedly the 3rd performance structure constructed in Antelope Park. The architectural appearance of earlier structures was reflective of traditional park bandshells and gazebos constructed in the late 1800's and early 1900's. It is recommended that the design and appearance of a new structure be guided by the architectural appearance of traditional park bandshell structures and also that use of a pre-manufactured structure be explored as a cost savings measure.

The proposed bandshell covered stage should be designed to accommodate a 40-member band or orchestra. Accessory spaces include storage space for electrical and lighting operations and sound system, and restrooms accessible to performers and spectators. The project should be designed so that it can be developed in phases with the structure(s) appearing as a completed project upon completion of each phase. The order of phased development should be as follows: 1) covered stage; 2) storage space; and 3) restrooms.

It was moved (Committee) to accept the recommended revisions to the guidance statement for development of a replacement performance structure in Antelope Park. Dean Haist, Executive Director and first trumpet player with the Lincoln Municipal Band (LMB) testified on behalf of the Lincoln Municipal Band and said that for the last five years they have worked with the City to help create a new performance structure in Antelope Park that the citizens can be proud of. They have raised and spent about $30,000 on the project thus far. The current proposed design, created by Bahr Vermeer Haecker, has been approved by the PRAB and one of the approved documents indicates that it is possible for an allied organization to serve as fiscal agent for fundraising purposes in a project such as this. Haist feels this is crucial for the LMB as they wish to raise funds both for necessary equipment and to help build an endowment for the LMB. He said he's attending this meeting (of the PRAB) to see action taken on what LMB views as significant changes to the project that they received less than a week ago. He said LMB feels it is critical for fundraising purposes that their donors be able to give their support for this project to the LMB and not to the Lincoln Parks Foundation.

Without changes to the proposed documents being considered at this meeting, LMB feel that the result will be a structure that is only marginally better than the current one and something that will be ridiculed for its design and shortcomings almost immediately after it is built. Haist said if these proposed documents are accepted in their current form, then LMB is no longer interested in being a part of this project. (A copy of Mr. Haist's complete presentation will be attached to the file copy of these minutes). ***Chairperson Pagel asked that the previous motion be tabled for the time being in order to discuss the next agenda item which may help clarify the LMB agenda item.***

*** <u>Recommend adoption of a process for facility development and fundraising by allied organizations for park sand recreation facilities :</u>** The Parks & Recreation Advisory Board adopted Guidelines for Facility Development and Fundraising by Allied Organizations for Parks & Recreation Facilities in December of 2009. These guidelines were developed and adopted in tandem with the Lincoln Parks Foundation Board of Directors and describe roles and responsibilities of partners in capital projects that involve fundraising activities by an allied organization. There is interest in having an accompanying document that provides a step-by-step sequence for projects involving fundraising activities by an allied organization. A copy of the adopted guidelines and proposed process document were included in the Board members packets. ***A copy will also be included with the file copy of these minutes.*** The process document is parallel to the adopted guidelines for capital projects involving fundraising by an allied organization. Staff recommended approval of this process. Lynn Johnson explained that this does not change the way these issues are currently handled but the Department wanted it to be put on paper so everyone can see it and so that they can work through the process. Both groups (Parks Dept. and Parks Foundation) have had conversation about what the role of each is and who should serve as the fiscal sponsor for these projects. Both Boards agreed that when it's a facility constructed on Parks & Recreation property, they felt it really should be the Parks

Foundation Board who holds and manages those funds. Johnson explained that the Department is trying to accomplish two things at this meeting: 1) look at revising the guidance statement to provide guidance to updating the schematic master plan for the performance structure in Antelope Park, and, 2) adoption of the process (these two issues are related since the performance structure is the current project that is working it's way through the process). There being no further discussion, ***it was moved (Deitchler for the Committee) and seconded (Carlson) to approve the adoption of a process for facility development and fundraising by allied organizations for parks and recreation facilities. Motion passed unanimously by members present.***

Chairperson Pagel asked for further discussion on the agenda item regarding the performance structure in Antelope Park at which time Mr. Haist left the meeting stating that Lincoln Municipal Band was not interested in pursuing any further discussion. Some concern was expressed about continuing to pursue a new performance structure in Antelope Park without the assistance of the LMB.

As a reminder it was pointed out that at a previous meeting, the Board approved only the conceptual plan and not the final design of the structure which means changes can be made before it comes back to the Board in it's final form and the possibility of some type of prefabricated structure can be discussed further. ***Karen Hand moved that this item be tabled for further discussion until everyone's positions can be clarified; Susan Deitchler withdrew her previous motion regarding recommendation for updating guidance statement for new performance structure in Antelope Park.*** Susan Rodenburg asked that the Department follow up with the LMB to reinforce the fact that the Department is interested in working with them but let them know that LMB needs to follow the guidelines and process. Susan Deitchler said she would also like to include in the communication the fact that the Department and Board value the relationship with LMB and what they have offered the citizens of Lincoln.

Kevin Keller, a member of the LMB Board, said he feels there has been excellent history between the Band and the Parks Department and he feels the Band is definitely not 'married' to any plan, and that they are willing to work with the Department to accomplish the construction of some type of a new performance structure.

*** Recommendation re: declaring certain properties at 21st & M Streets and at 23rd and N Streets as surplus**: If this item is approved, it will be forwarded to the Planning Commission and then to the City Council. Lynn Johnson said the action before the Board at this meeting is to recommend that a couple Park properties be declared surplus in order for the Department to initiate a couple different actions. Johnson referred to a map of the area that was included in the members Board packets. One of the areas on the map is the Parks & Recreation Department's Maintenance facility which is two different parcels - Lot 2 includes a building that contains two maintenance shops and a building that houses Community Forestry and Public Gardens. The outlot area includes outdoor parking, storage, fuel storage area and the Muny Bathhouse that contains the (P&R) Planning & Construction Division. The intent behind this proposal is that the two maintenance shops and the Forestry section will be relocated at the new Municipal Service Center on West Bond Street (old Experian bldg.) by the end of the year. The Public Gardens section will be relocated somewhere in the area of Sunken Gardens. Lot 2 and the west portion of Outlot 1 are identified as part of a redevelopment area that includes Lot 1 which is the old Williamson Honda building that is now owned by LPSNRD and People's City Mission rents it on a month-to-month basis and Windstream is the owner of property to the south that is an old warehouse building. As an option for a developer who is interested in this area, they could also acquire the eastern part of the lot which contains the Muny Bathhouse Building and a parking lot.

The first action before the Board is a recommendation that the entire area of Lot 1, Outlot 1 west portion and Outlot east portion be declared as surplus but it's the Department's wish to retain ownership of the east portion. If a developer wants the entire area then it would have already been declared surplus and it would not have to come back to the Board. The second action is on a piece of property located along "N" Street (Lot 3) that was the location of the old Kuklin

Pool which was displaced when Antelope Valley went through the area. In the interim, Elliott School has constructed a new greenspace area and parking lot on this property. The recommendation on Lot 3 would be to declare it surplus with the intent of working though a purchase/sale agreement to transfer ownership of the property to the School District. There is an intent to get an 'Invitation for Redevelopment' out by the end of April to see if a developer is interested in this property.

Bob Ripley expressed concern about the timing of this and asked if it could be delayed by a couple months. He said he doesn't have a problem declaring the properties as surplus but he does have a problem with Parks & Recreation being displaced from facilities that are perfectly located and adapted for their use but also realizes that this is a decision to be made by the Department. Ripley also said he would like to see both the Muny Bathhouse Building and the old Telephone Co. building excluded from this action because they are both exceptionally good pieces of architecture. He feels that the land could still be surplused but when a developer makes a proposal it should be known to them that these two buildings should be identified as "required integral components" of any redevelopment plan.

Ripley read a letter that he wrote to Mayor Beutler expressing his concerns - it's only a draft and has not yet been sent to the Mayor. A copy of the letter will be included in the Department copy of these minutes.

Lynn Johnson said the Board could do one of a couple options: 1) they could recommend action on the 21st & N Street property go back to Fees & Facilities Committee for review; 2) make a recommendation that only a portion of the property be declared surplus; or 3) recommend that all of it be declared surplus with the recommendation that significant effort be made to retain the Muny Bathhouse and Telephone Co. building. Delaying this action for a month would not have a significant effect on procuring land in the Stevens Creek area for a future park site.

After further discussion if was moved (Fitzgerald) and seconded (Carlson) that the Board recommend approval of surplusing the property at 21st & N (Lot 3) but delay action on the east portion of 21st & "M" Street property. Motion passed by a unanimous vote of members present. This will not go to the Planning Commission until the Board has taken final action.

It was then moved (Cook) and seconded (Scheer) to defer the remaining properties (Outlot 1 and Lot 2) back to the Fees & Facilities and/or Futures Committees for further review. Motion carried by unanimous vote of members present.

Lynn Johnson said that due to the length of this meeting he would like to bypass the Golf Rounds and Revenue Report, table the Recommendation re: guidelines for planting of trees in park areas by private parties, move on the Behavior Policy for Parks & Recreation facilities and programs and table the rest of the agenda items.

Futures Committee - Bob Ripley (Chair) 471-0419 or 488-5131

- No report.

Golf Report:

- Dale Hardy distributed a copy of the latest report on Golf Rounds and Revenues and reported that the golf program is having a great year thus far!

Executive Committee - Anne Pagel (Chair) - 570-9194

- *** Recommendation re: guidelines for planting of trees in park areas by private parties:** Tabled.

Staff Report:

- *** Recommendation re: Behavior Policy for Parks and Recreation facilities and programs:** Lynn Johnson introduced Jocelyn Golden, Assistant City Attorney who is assigned to work with the Parks and Recreation Department. Johnson distributed an updated copy of the Behavior Policy for Parks & Recreation Facilities/Programs. The proposed City of Lincoln Parks & Recreation Department Behavior Policy: Disruptive and/or Prohibited Conduct establishes policy guidelines across all facilities and programs managed by the Department. The proposed policy establishes definitions for inappropriate behaviors that are detrimental or disruptive to other patrons, participants and facilities, and establishes a stepped approach of warnings followed by restrictions from a facility or program for individuals violating the policy. Individual sections have established guidelines over time for managing inappropriate or disruptive behaviors. The proposed behavior policy provides a standardized approach across all Department programs and facilities. Similar policies are being used by the City Libraries and Aging Division.

  Jocelyn briefly went over the policy and she and Sandy Myers (P&R Recreation Supervisor) responded to questions asked by Board members. This policy will get final approval by a mayoral Executive Order and then it will become a public document and staff will be trained accordingly. ***It was then moved (Crook) and seconded (Scheer) that the Board recommend approval of the conceptual P&R Dept. Behavior Policy with modifications as agreed to by the Parks Director. Motion carried by unanimous vote of members present.***

- **Status report of Holmes Golf Course Clubhouse replacement project:** Tabled
- **Status report on Nebraska's Centennial mall Phase I construction** - Tabled
- **Report on process to seek a new regional park site in the Stevens Creek basin** - Tabled
- **Planning for Union Plaza and Jayne Snyder Trails Center dedication** - Tabled

Announcements:

- Nature's Market at PPNC - Saturday, April 21st - 9:00 a.m. - 2:00 p.m.
- Volunteer Rose Pruning Event/Seminar at Hamann Rose Garden - April 14th, 1:00 p.m.
- Arbor Day Tree Ceremony at Kahoe Park, April 25th - 9:00 a.m.
- Spring Volunteer Tree Planting at Densmore Park - April 28th - time TBD
- 10th Anniversary Open House at "F" St. Community Ctr., April 29th, 2:00 - 4:00 p.m.
- Public Opinion Survey on tobacco use in outdoor parks and recreation facilities - www.lincoln.ne.gov survey is available in the "hot box" on main page through April 30th.

TO: Lincoln City Council

FROM: Jon Camp

DATE: May 5, 2012

RE: Sidewalk and Street Standards

A major function of City government is to provide infrastructure for its citizens, including streets, sidewalks and other paths for transportation.

In recent years, as Lincoln has grown, there have been many new projects that have created concerns by citizens who reside adjacent to infrastructure modifications. In particular one can look to Old Cheney and S. 70th Street. Currently, the issue of bike lanes in downtown Lincoln is being addressed.

I believe we need to restudy exactly what infrastructure is (1) desired, (2) needed, and (3) affordable.

In the very short term is a situation on the west side of S. 70th Street—requiring the installation of sidewalks. I respectfully ask that we immediately delay construction and resolve several issues:

1. What is our policy?
2. What can we afford?
3. What can we afford to maintain?
4. On major arterials, should the sidewalk be installed and paid for by the City, as it now does with new arterial widening projects. . .even though an arterial was previously widened with no sidewalk?
5. If a sidewalk has virtually no benefit to adjacent property owners, should the City pay for the sidewalk?
6. If a sidewalk is difficult to maintain, e.g. snow removal, because of a retaining wall, who should bear the cost of maintenance?
7. Is it equitable to treat different areas of the City differently? For example, there are many older neighborhoods with NO sidewalks—why are we not requiring those areas to install sidewalks?

These are a few of my questions. Ultimately, I believe we can find the best solution by applying (1) common sense, (2) fiscal responsibility, and (3) just plain do the "right thing".

One final comment: let's be careful not to justify certain infrastructure installations by raising "safety concerns". Of course enhancements will provide a level of safety. But, if, for example, the City has no resources to maintain its streets and sidewalks, these will

decay and present future hazards—let's not create more unsafe conditions? Our limited resources should be spent on the most pressing needs?

Finally, we need to consider the impact on adjacent property owners and their quality of life. For example, in many of our older neighborhoods, I can justify continuing to omit the sidewalks as those residents have a quality of life and a unique character in their neighborhoods.

Today's "new neighborhoods" will become tomorrow's "old neighborhoods".

Mary M. Meyer

Subject: FW: Constituent Email on pending Fairness Legislation

Hi Jon:

I am writing this to you as a member of the City Council and not because of our 45th high school reunion coming up in October and both on the committee.

I worked as the Senior Civil right Investigator for the Lincoln Commission on Human Right for more than 12 yer until I had to retire early due to serious health problems and am not currently working. However I worked in the field of civil rights for more than 30 years at the State of Nebraska, UNL & than LCHR. I also own my own company of Floth Consulting where I am hired by companies and/or attorney's to conduct training and internal investigation concerning discrimination issues.

The reason I am writing this is to urge you to vote in favor of adding sexual orientation to Lincoln's discrimination laws. When I was employed there we got calls from people who had lost their jobs, were not hired or denied rental on housing when it was discovered they were transgender, gay, lesbian, or bisexual. These people had no recourse and we could not take a complaint. There are two cases that are forever etched in my mind. One case was two females who were single moms and partners with children and wanted to rent a house so their kids had a place to play outside and they could put in a garden. The landlord would not rent to them because he wanted a married couple and the house was a two bedroom so he asked about sleeping arrangements and was aghast when they said they would be sharing a bedroom as the kids would also be sharing one. He flat told them he would not rent to their kind because it made him "sick to his stomach thinking about what they would be doing in the bedroom" and in front of those kids. No I am not joking. The only thing that should have concerned him was they pay rent on time, the utilities and didn't tear the place up. He also threatened to contact their employers to notify them what type of people were working for them. Unfortunelty these woman had no recourse and this landlord still has rental property in Lincoln and lots of it.

The second incident involved a male who was in transition becoming a female. He had one surgery to go, but needed a job to save the money for that last one.

He was qualified for jobs in the retail business with many years experience and excellent references from previous employers prior to his surgery. He lost his job because of "what his coworkers would say when he returned to work", could not find a job unless he compromised and dressed like a male and no traced of female clothing or make up. When he came into the office, he was very well groomed as a female, there were some traces such as his voice that gave it away that he was a male, but a very pleasant person. H ended up leaving Lincoln and moving to another city that did not discriminate or where there was recourse for him. LCHR did not take the charge at the advice of the city attorney's office, but we did filed an EEOC charge based on sex stereotyping at the advise of the EEOC state and local coordinator. EEOC does allowed for charges to be taken on those grounds, but as you can imagine the amount of time before a case is closed is roughly 2 to 3 years and that was when I left in 2008. Cases brought before LCHR do not nor have that ever taken that much time for a decision and these people need a decision sooner than 2 to 3 years.

I know the City has tried in the past to get the law changed and it didn't pass the voters, but society has changed its thinking and are much more accepting that all people should have equal rights and not just because they are not white, male, Christian and married. We have come a long wy since the Civil Rights Act was made law. You remember as well as I do how it was in the 60's and African Americans were treatd so poorly even in Lincoln. We are not that city any more, we have a very large population of different cultures and different languages spoken here. Our GLBT citizens deserve the same rights as any other person in this town. If Omaha can do it, we shouldn't be any different and as the capital city we need to set the example not be the exception. I hope you will vote in favor of making this law.

If you have any questions or would like to discuss this further with me, please don't hesitate to contact me at my home phone numbeer 402-440-3473, write me at 3745 Wildbriar Lane, 68516, or e-mail me .

Thank you for your time.

Colleen A. Floth

Phone Message from:

To: Jon Camp

From: Dr. Phillip McNealy:

05.04.12
1:52 p.m.

Oppose the Fairness Ordinance.

Mary M. Meyer

Subject: Protected Class Ordinance & Process

From: Mike Friend [mfriend@cityimpact.org]
Sent: Monday, April 30, 2012 1:22 PM
To: Jon Camp
Subject: Protected Class Ordinance & Process

Jon,

Thank you for your service on the Lincoln City Council. I am sending this email strictly as a private citizen and voter in Lincoln. My opinion does not necessarily reflect the views of any business, organization or other public interest which I may be affiliated with or employed by.

In my opinion, at the very least, the local ordinance that is coming before the City Council on protected class behaviors and sexual orientation should be put in front of the people for a vote. It also should be given far more time for public comment, deliberation and response. The last-minute, somewhat stealthy manner in which it has been put forth speaks volumes and calls into question the efficacy of such a measure were it to go to public vote. It is a very slippery slope indeed when the government gets in the business of protecting classes of citizens based on behaviors and often behaviors which get lumped together with other behaviors that one would not clearly define as in the public interest. Please consider and please encourage your colleagues to consider making decisions based on facts and precedent such as the following taken from the Nebraska Family First Website (understanding this was for a different piece of legislation but the underlying facts and principles are very applicable):

Hate Crimes Fact Sheet

H.R. 1913 // Local Law Enforcement Hate Crimes Prevention Act of 2009

There has been no dramatic rise in sexual orientation "hate crimes" in the United States.

- In 2007(the most recent year reported), out of 855,856 cases of reported aggravated assault, only 242 were allegedly motivated by sexual orientation bias - approximately 3 out of every ten thousand.
- Of the 7426 incidents of reported "hate crimes" in the U.S. in 2007(including race, religion, gender and all other categories), 1,265 (approximately 16.6 %) were classified as motivated by "sexual orientation" bias. 75% of that 1265 number fall into categories such as vandalism, name-calling, and pushing and shoving.
- Only 448 "simple assaults" (i.e., pushing and shoving) were reportedly from sexual orientation bias. The total number of simple assaults in the nation is so large that the FBI doesn't even keep track of them apart from "hate crimes."
- Almost 51% of all "hate crimes" are motivated by racial bias. The next largest category is religion, at 18.4%. Sexual orientation is third and is fairly steady over the years both in terms of percentage and in raw numbers. There definitely has been no dramatic rise in sexual orientation "hate crimes".

Hate crimes legislation treats victims of the same crime unequally under the law.

Although the 14th Amendment guarantees all citizens equal protection under the law, hate crimes legislation elevates some victims of violent crimes over others. If a person commits violence against a homosexual and the crime was found to be motivated by perceived bias against the victim's sexual

orientation, then the perpetrator will be charged with a “hate crime.” If the same violent crime is perpetrated on a child, the act would not classify as a “hate crime.”

Hate crimes legislation punishes thoughts, not actions.

Advocates of hate crimes legislation argue that the bill only authorizes prosecution of someone who “willfully causes bodily injury” or “attempts to cause bodily injury.” But such acts are already crimes under state law. What converts the acts targeted by this bill into a federal offense are the thoughts or opinions of the perpetrator alone. Since every violent crime manifests some sort of “hate,” it makes more sense to think of this as a “thought crimes” law.

Hate crimes legislation does not define the class it seeks to protect.

H.R. 1913 does not define the meaning of “sexual orientation” and only loosely defines the term “gender identity,” which means the courts will be left looking to accepted literature like the Diagnostic and Statistical Manual of Mental Disorders IV in determining a specific definition of sexual orientation. That manual includes disorders like pedophilia as falling under the area of sexual orientations.

The law is an unconstitutional intrusion on the state's right to regulate and punish crimes committed within its borders. Congress does not have the authority to legislate against violent, but non-economic crime. In the 2000 Supreme Court case of U.S. v. Morrison, the Court held very clearly that "The regulation and punishment of intrastate violence that is not directed at the instrumentalities, channels, or goods involved in interstate commerce has always been the province of the states."

Hate crimes legislation paves the way for religious persecution.

Religious leaders and members of religious groups could be prosecuted under the federal “aiding and abetting” statute (18 U.S.C § 2). That law allows for prosecution of anyone who “aids, abets, counsels, commands, induces or procures the commission of a crime” done by another. On any given Sunday morning, there are hundreds, if not thousands of pastors preaching on God's view of sexuality and marriage, and what the Bible has to say about homosexuality. How many hundreds of thousands, perhaps millions of people have heard such sermons? Is it possible that one of those millions of listeners at some later point might commit an act of violence against a homosexual person and try to blame it on his pastor's teaching? Of course it is. And that puts the pastor in the crosshairs of this "hate crimes" bill.

Christian speech has been prosecuted under hate crimes laws in other countries.

In Sweden, Canada and Great Britain “hate crimes” laws have been used to prosecute Christians speaking their disapproval of homosexual behavior, posing a serious threat to religious liberty and free speech. Even here in the United States, Christians peacefully protesting a gay pride rally were arrested and jailed in Philadelphia under a local “hate crimes” provision.

I fully understand the challenges before elected officials in making wise decisions which keep the interest of all of the community in mind, however, current law seems to allow ample recourse and to allow for protected class rights for people based on behavior swings wide the door to all sorts of permutations which promise negative consequences for the whole community. Thank you for your time, service and consideration.

Sincerely,

Mike Friend
4011 S 82 St Circle

Mary M. Meyer

Subject: FW: DISCRIMINATION AGAINST GAYS

From: Don & Mary [texandhub@gmail.com]
Sent: Monday, April 30, 2012 6:04 PM
To: Jon Camp
Subject: DISCRIMINATION AGAINST GAYS

There is no need for this to be considered by the City Council. The Gay community currently has the same rights and privileges as other citizens. Why are we making them special?? I STRONGLY DISAGREE with this proposal. Please vote against it.

Mary Betten
7500 South Street #15
Lincoln, NE 68506
(402) 488-6526

Phone Message from:

To: Jonathan Cook

From: Dr. Phillip McNealy:

05.04.12
1:52 p.m.

Oppose the Fairness Ordinance. Will detrimentally hurt Lincoln.

RECEIVED
MAY 04 REC'D
CITY COUNCIL
OFFICE

Harold Wilson
#37418
Box 22800
Lincoln, NE
68542-2800
5-2-12

Carl Eskridge
Lincoln City Council
555 S. 10th St
Lincoln, NE 68508

Dear Mr. Eskridge,

I am writing in regard to the proposed anti discrimination proposal. Especially when it covers housing.

I am incarcerated but I am in a relationship with a transgender m/f female who is now on the streets and going through hormone treatment in preperation for gender changing surgery. Last Sept we purchased a mobile home for $15,000 in Woodlaen Estates in Lincoon. When Gracy my life partner went to apply for residency they had no problem with her being on parole at the time and her being an ex-con. Then they ran her I.D. and came up with her former male name and then suddenly they created a rule that ex-cons have to be more then seven years past their last criminal conviction. At the time Gracy was 11 months short of that time frame, but the point is they were going to approve her as a resident of the park until they found out she had been born a male.

Since they refused to accept rent from her, they eventually sued us for back rent and won a judgement even though Gracy offered to pay the rent each month on time. They forced the sale of the trailor since they would not even qllow us to sub lease it. Because Gracy was not allowed on the premises, the pipes froze during the winter and caused alot of damage to the trailor. So when the Sheriffs sale took place, Gracy tried to buy the trailor back, even after we had paid over $1,700 in back rent and late fees for rent they would not accept from her because of her being transgender. So she stopped biding on it when she found out the persom bidding on it was an agent of Woodlawn Park and was there to make sure she did not buy it back and buy it back cheaply. So they paid only $1,300 for it, which made us lose over $13,000 on the deal because of their prejudices.

It's hard enough for an ex-con to find a place to live, but be a transgender or gay ex-con and see how hard it is to make a go of it. Even now Gracy has not found any kind of steady job, and our savings are nearly all gone and I fear that she will be out in the street if she doesn't find employment soon.

Please pass this important bill so that Gracy and I do not have to go through this kind of loss ever again. I just hope she can find a job and not end up back in prison.

Sincerely,
Harold Wilson

PS I am trying to persuade her to be at the council meeting on May7.

Phone Message:

TO: Adam Hornung

FROM: Mary Quintero

05.04.12
4:00 p.m.

Re: Fairness Ordinance

Had concerns previously on women's safety, how do we protect?

Now additional concerns with possible (?) court battle with the Attorney General. Lincoln doesn't have additional money to spend.

Phone Message from:

To: Council

FROM: Christina Grissita

05.04.12
11:16 a.m.

Vote against the Fairness Ordinance, will pose threat to public safety, etc.

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Friday, May 04, 2012 3:33 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Larry Gadeken
Address: 641 N. 148th
City: Lincoln, NE 68527

Phone: 402-540-5404
Fax:
Email: larrygadeken@yahoo.com

Comment or Question:
Please vote against the fairness ordinance. It is not needed and will only give special treatment to a group of people that are already given equal opportunities under our current laws.

Mary M. Meyer

From: Crouch, Don [don.crouch@nebraska.gov]
Sent: Thursday, May 03, 2012 2:17 PM
To: Council Packet
Subject: centennial mall area

The city will be using centennial mall by the State Office Building as a staging area for up to two years. Yesterday they fenced in the entire area. Could we suggest that on the east side of the building they put a fenced-in path across from the East parking garage. If they do that the city would have two separate staging areas. It would make it so much more accessible for staff over the two years and would also help the city better comply with ADA requirements. Currently a person in a wheelchair has to go clear over to 16th street and around the Temple and down L street to get to the State Office Building building. This seems like a reasonable accommodation.

Don Crouch
Program Director
Vocational Rehabilitation
301 Centennial Mall South
P.O. Box 94987
Lincoln, NE 68509
402.471.3657
402.471.0788 fax

Mary M. Meyer

From: sandelle@aol.com
Sent: Friday, May 04, 2012 1:26 PM
To: Council Packet
Subject: Fairness Ordinance

Please, please support the Fairness Ordinance.

Sincerely,
Sandra Ellenwood of Lincoln, NE

Mary M. Meyer

From: Sitaram Jaswal [jaswal@unl.edu]
Sent: Friday, May 04, 2012 3:39 PM
To: Council Packet
Cc: Sitaram Jaswal
Subject: Make Lincoln Fair for all

Dear Lincoln City Council Members:
I am writing this to most sincerely urge you to support " Make Lincoln Fair Ordinance" so that all members of our society including those who belong to LGBQT community. Omaha city council recently did that and for the sake of fairness and morality we must do the same. This will tremendously improve the civil standards of our society. Thanks for listening.

Sincerely yours,
Sitaram Jaswal
3325 Grimsby Lane
Lincoln NE 68502

Mary M. Meyer

From: Travis Davis [travisdavisfg@gmail.com]
Sent: Friday, May 04, 2012 4:20 PM
To: Council Packet
Subject: Fairness Ordinance

The Fairness Ordinance makes complete, logical sense. We should be concerned with issues far more difficult. This issue is not difficult. It is simple. I support the Fairness Ordinance.

Mary M. Meyer

From: Julie Banks [pezcara@aol.com]
Sent: Friday, May 04, 2012 4:19 PM
To: Council Packet
Subject: Pass the Fairness ordiance.

City council:

I encourage the City council to pass the fairness ordinance. As a member of the GLBT community I have seen first hand the fear that can happen to an employee who fears being fired for just being who they are: GLBT. We have an opportunity to make Lincoln a fair city. A city that everyone can be proud of.

Thank you for your time.

Julie Banks
pezcara@aol.com

Mary M. Meyer

From: Robert Brown [rb61201@windstream.net]
Sent: Friday, May 04, 2012 5:22 PM
To: Council Packet
Subject: Nondiscrimination ordinance

I strongly support the City Council's efforts to endorse an ordinance that prohibit discrimination in employment and housing based on sexual orientation and gender identity.
I have lived in Lincoln for 45 years. As a retired faculty member at UNL, I am personally aware of strong faculty members who left Lincoln for employment elsewhere because they did not find Lincoln "comfortable." These persons were all close friend. As a person who helped recruit faculty and staff members, there were occasions when applicants, who happened to be glbt, wanted to know how inviting Lincoln was to glbt folks. It was an important consideration in their decision-making. (I am not glbt, but have been a long-time ally.)

While you may at first think that this is a concern only for members of the glbt community. This is not true. As other cities become more and more inclusive and welcoming, this makes others (faculty, staff, and the general public) who are not glbt also interested in finding out whether or not Lincoln is a progressive city in this regard.

Robert D. Brown

Mary M. Meyer

From: LeeAnn Pancharoen [lpancharoen@gmail.com]
Sent: Friday, May 04, 2012 5:37 PM
To: Council Packet
Subject: In support of the fairness ordinance

I am writing in support of the fairness ordinance, proposed by Carl Eskridge. Although I am not a member of the LGBT community, I consider myself to be an ally and have personally benefited from the contributions of a diverse workforce. It is vitally important that people are judged by their ability to do their jobs, not who they are. This ordinance is an important step in ensuring that our community is a supportive and inclusive place for all individuals. I hope that this ordinance is passed unanimously - it will send a strong message that Lincoln is a community that will not stand for discrimination in any form. Thank you for your consideration.

Sincerely,

LeeAnn Pancharoen
4411 North Park Blvd
Lincoln, NE 68521
lpancharoen@gmail.com

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Friday, May 04, 2012 6:36 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Stephanie Dohner
Address: 2118 Euclid Ave
City: Lincoln, NE 68502

Phone:
Fax:
Email: dohners@windstream.net

Comment or Question:
Dear Council Members:

Please vote to support the anti-discrimination legislation proposed by Councilman Carl Eskridge. Joining with Omaha in this effort will show that our city has reached a certain level of civic maturity. This is especially important because our university claimed it joined the Big Ten in part because our "culture" was similar to theirs. I understand that all the other Big Ten cities have similar ordinances.

GLBT people are not a special interest. They are an integral part of our community.

Thank you for your attention.
Stephanie Dohner

Mary M. Meyer

From: Megan Strain [mls312@gmail.com]
Sent: Friday, May 04, 2012 6:58 PM
To: Council Packet
Subject: My hometown

Dear Lincoln City Council,

I will always consider Lincoln, Nebraska my home. I was born and raised there, and although my career goals have taken me elsewhere, I would like to return to Lincoln someday and raise my (future) family there. If my future husband and I are lucky enough for that to happen, I want Lincoln to be a fair place to live and make a living. I want it to be a place where my children, whoever they may turn out to be, will be judged by the quality and effort of their work, not who they love. I don't want anyone to ever be at risk of losing their job because the person with whom they share their lives is labeled unacceptable by someone else.

It should make absolutely no difference to an employer whether an employee loves someone who is their sex or the opposite; to say that such information is irrelevant to work performance is an understatement at best. To continue to allow businesses to blatantly discriminate against hard-working citizens is to enable the bogus justification of bigotry and prejudice.

Please, make Lincoln fair. Pass the Fairness Ordinance.

--
Megan Strain
Manhattan, Kansas

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Saturday, May 05, 2012 2:41 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Judith Gibson
Address: 1045 North 41st St.
City: Lincoln, NE 68503

Phone: 402-466-6263
Fax:
Email: judithgibson@inebraska.com

Comment or Question:
I will not be able to participate at the hearing on May 7th so am writing to ask you to vote in favor of the Fairness Ordinance on the 14th.

I have lived and worked in Lincoln for 43 years. At none of the organizations (government and human services) for which I worked was there protection from negative administrative actions based solely on sexual orientation or gender identity. I was lucky to have supervisors/directors who valued me for my abilities and job performance. But that situation could have changed at any time. If someone thought I was lesbian/gay/transgender (whether I was or not) and reported that to an unfriendly administration, I could have lost my job and, with it, other critical benefits for me and my family, such as health insurance?.. No matter how good my work had been.

I am now 72 and working only part-time, independently. I was lucky and am thankful for the positive environments I had at my salaried jobs. But other folks should be able to know that their initial and continued employment depend on their job performance.

I?ll appreciate your thoughtful support for all citizens of Lincoln.

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Saturday, May 05, 2012 4:26 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: David Ficken
Address: 16715 Martha Cir
City: Omaha, NE 68130

Phone:
Fax:
Email:

Comment or Question:
Please vote against the bill to add sexual orientation and gender identity as protected classes. This is not needed and these laws are used to harass those with traditional beliefs. As witnessed by the calls from the gay Lincoln school board member to have Ron Brown fired after he testified on a similar bill in Omaha, what we really need is protection for those who hold religious beliefs that homosexuality is wrong. Nobody should be discriminated against, but these kind of laws give special protection to certain individuals but do nothing to protect any of us based on our weight, looks, political beliefs or many other criteria. Thank you for considering this.

Mary M. Meyer

From: Margery M. Ambrosius [mmambrosius@yahoo.com]
Sent: Thursday, May 03, 2012 5:04 PM
To: Council Packet

I wish to voice my support for Council Member Carl Eskridge's proposed ordinance protecting the rights of people of all gender identifications. We have known a same-sex couple who found employment in Lincoln so fraught with discrimination that they moved away after only two years. They had given every indication that they intended to put down roots here and make Lincoln their permanent residence.

Going beyond fairness arguments, clearly Lincoln cannot afford to lose talented professionals such as these two men.

Margery M. Ambrosius
6545 S. 34th Street
Lincoln, NE 68516

"Some things have to be believed to be seen." Ralph Hodgson

Mary M. Meyer

From: Brent Gillett [brent.gillett@yahoo.com]
Sent: Saturday, May 05, 2012 9:39 PM
To: Council Packet
Cc: Jon Camp; Jonathan A. Cook; Doug Emery; Eugene W. Carroll; Adam A. Hornung; Carl B. Eskridge; DiAnna R. Schimek
Subject: Bill Number 12-45

I am writing to express my opposition to the so-called "Fairness Ordinance" or as I would more aptly describe it, the "Lawyer Employment Assurance" ordinance.

Like practicing medicine, the primary principle of establishing a new law should be, "First, do no harm." The bias of a free people should always be against the establishment of new laws. Each law, no matter how "good" or how equitable adds to the regulatory burden of the citizenry and the accumulation of laws over time results in the servitude of the individual to the law, and to the lawyers and regulators who enforce and interpret the law.

In the case of attempting to regulate discrimination, the bias against new regulation should be especially strong for a number of reasons. First of all, discrimination happens. It happens to all kinds of people for all kinds of reasons. It is not possible to eliminate discrimination through government fiat. Early in my career, I sensed that I was at a competitive disadvantage in the company I worked for because most of my co-workers had graduated from a local college, but I had come from out of state. Survey the faculty lounges of the major universities around the country and you will find an ideological purity that suggests systemic discrimination against viewpoints (including religious viewpoints presumably protected by discrimination laws) that are commonly found throughout the rest of the population.

Discrimination laws and other laws intended to address societal inequalities, real or perceived, are also particularly dangerous, in that they rest on the premise that a class of citizens (usually affiliated with the current party in power) deserves special protection over and above the protection provided to the rest of the population; a fundamentally unfair proposition. This particular law attempts to extend special protection beyond immutable characteristics of race and gender to behavioral and lifestyle choices that conflict with long-standing views of morality and at the same time clearly has partisan overtones.

Ultimately, even if the law is perfectly equitable, this equality is inconsequential if the law is not equitably enforced. Employers and other individuals have few good options when facing a former employee with a grievance or a politically motivated prosecutor wielding the equivalent of a legal bludgeon. The number cases of people "mugged by the law" around this country seems to grow with each new year and each new law.

At the same time, I believe this law has the potential to hurt not only employers and other members of the general public, but also the very people that it purports to help. Risk management is a major component of running a business, and hiring a new employee can be among the riskiest decisions an employer makes. The smaller the employer the truer this becomes. A strong argument can be made that an employer who would otherwise not discriminate against a protected class of individuals, would be well advised, as a matter of risk-management, to find other legitimate reasons to avoid hiring them. It is much easier to find a good reason not to hire someone, than to terminate a member of a protected class, even if the cause of that termination is completely justifiable for reasons of performance or professional conduct.

Finally, I find it instructive that many of the same people clamoring for special employment protections are at the same time demanding Ron Brown's termination for expressing deeply held religious beliefs (presumably already protected by discrimination laws). I would also warn that just because it is possible to quickly enact a policy like this with heavy handed tactics and condescending arguments, the issue will not become any less divisive nor will it quickly disappear.

Sincerely,

Brent Gillett

Mary M. Meyer

From: Becky Witt [beckywitt10@yahoo.com]
Sent: Sunday, May 06, 2012 6:55 AM
To: Council Packet
Subject: Support for Councilman Eskridge's motion

Dear City Council,

I am urging all of you to support Councilman Eskridge's motion for an ordinance to protect gay, lesbian and transgender's rights to rent or buy a place to live and have employment free of discrimination.

I am a lifelong Lincoln resident and owner of a small business. It is intolerable to allow anyone to discriminate against another person, for any reason. I have decades of experience hiring and managing people and I've always taken the position that it doesn't matter if someone is 3 feet tall and green, if they can do the job better than anyone else, they should get the job.

I've heard opponents of this ordinance say how this will devastate businesses and that is not true, any more than the Civil Rights Act of 1964 did.

We should all consider Lincoln's goals of becoming a center for research as part of the University. A great many highly creative and intelligent minds could be in this category and allowing discrimination against them could adversely affect grant money and development of research facilities.

Thank you for your consideration of support.

Best Wishes,

Becky Witt

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Sunday, May 06, 2012 12:00 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Barbara DiBernard
Address: 1045 N. 41st Street
City: Lincoln, NE 68503

Phone: 402-466-0117
Fax:
Email: bdibernard@gmail.com

Comment or Question:
May 6, 2012

Dear Councilman Hornung:

I am proud that you are our City Council representative and thankful for your careful work on the Council. Today, I am glad to write to express my support for the Fairness Ordinance and urge you to vote for it. As you know, our state motto is ?Equality Before the Law.? All of our citizens need the right to work, have a place to live, and use public accommodations without fear of discrimination or prejudice due to the reality or perception of their sexual orientation and gender identity.

I was fortunate enough to work for the University of Nebraska, which for many years has had a non-discrimination policy that includes sexual orientation. However, my partner worked for the state and for an agency that did not provide such protection. It?s frightening to know that a person who is committed to her job and does it well can be fired for no reason other than her identity or perceived identity. I also know a lesbian couple denied the ability to rent an apartment because of who they are, not based on their responsibility as renters and citizens.

I believe The Fairness Ordinance is the right and fair thing to do. Please vote for it.

Sincerely,

Barbara J. DiBernard
1045 N. 41st Street
Lincoln, NE 68503
402-466-0117

Mary M. Meyer

From: aknightwing@windstream.net
Sent: Sunday, May 06, 2012 5:15 PM
To: Council Packet
Subject: Written testimony for Fairness May 7

May 6, 2012
My name is Alyx Knight. I am a board member of the Lincoln Chapter of Parents, Families and Friends of Lesbians and Gays. I coordinate the annual fund raising event.
As a veteran high school teacher, I have observed and talked with so many students who knew at an early age that they were different. When they were old enough to put words to it, that difference is that they are LGBT. Unfortunately as a direct result of a society that is not yet free of discrimination, many of these students have been bullied, discriminated against by coaches/teachers/parents, and many have thought about suicide solely because they are LGBT. Without fairness, there is a potential for continued prejudice in the work force when these students become adults and move on from public school.
That's why I am writing in strong support of the City Council to pass the Fairness Ordinance; in addition to other classes protected by law, LGBT people in Lincoln can work and support themselves and their families. We all should have the right to work without prejudice, bullying or wage discrimination.
Finally, many of our young people tell P-Flag that they plan to complete their education and then leave Lincoln to move to communities that are more supportive. Lincoln can't afford to lose our young people.

Thank you.

Alyx Knight, board member
PFLAG Cornhusker Chapter
PO Box 82034
Lincoln, NE 68501-2034

Mary M. Meyer

From: Muriel Shores [ts64241@windstream.net]
Sent: Sunday, May 06, 2012 5:42 PM
To: Council Packet
Subject: Please vote Yes on anti-discrimination amendment

Dear Council Members:

Please vote yes on the GLBT anti-discrimination amendment. Do not let our developing city look like a backwater, bigoted, small-minded town.

Thank you,

Thomas and Muriel Shores
Lincoln Nebraska

Mary M. Meyer

From: Janece [wjmollhoff@windstream.net]
Sent: Sunday, May 06, 2012 6:32 PM
To: Council Packet
Subject: ordinance to protect gay, lesbian and transgendered citizens from housing or employment discrimination

I have read that Lincoln is considering a ordinance to protect gay, lesbian and transgendered citizens from housing or employment discrimination. Jon Bruning has recently opined that Lincoln cannot do this. I reject his analysis and want the City Council to pass the ordinance. I want Lincoln to be welcoming and tolerant. This solidifies our community as a place where creative spirits are welcome and valued.

I live in Ashland, but think it is important you know that folks in greater Nebraska support what you are doing. I am hoping that other communities will follow suit.

Janece Mollhoff

Mary M. Meyer

From: Jean Burke [jmburke2@gmail.com]
Sent: Sunday, May 06, 2012 7:05 PM
To: Council Packet
Subject: Fairness Ordinance--I'm in Favor

I am writing to say that the Fairness ordinance is the right thing for Lincoln. I have a lesbian daughter and I want her to feel equal here at home and to have the same protections everyone else does. I also believe it’s truly a business issue. Nebraska cannot afford to lose so many of these talented, creative young people to larger cities where such protections are already in place. Like Hilary Clinton said recently: Gay rights are human rights.

Thanks for considering this important ordinance!

Jean Burke

Mary M. Meyer

From: Pat Friesen [patfriesen@gmail.com]
Sent: Sunday, May 06, 2012 10:01 PM
To: Council Packet
Subject: support the amendment

As a voting citizen of Lincoln, I urge you to **support the amendment** against discrimination based on gender identify.
Pat Friesen
3301 So. 76th St.

Mary M. Meyer

From: Karen Sue Amen [amenkarensue@gmail.com]
Sent: Monday, May 07, 2012 7:33 AM
To: Council Packet
Subject: Support for the Fairness Ordinance

The power of the Fairness Ordinance goes far beyond its legal ramifications. It will be an affirmation of Lincoln as an inclusive, welcoming, joyful place to live. It will be yet another example of Lincolnites "doing the right thing" in the positive evolution of our beloved community.

Thank you, Councilman Eskridge, for bringing this opportunity forward. And thank you, Lower Platte South Natural Resources District, for adopting a similar non-discrimination amendment in November of 2011.

Karen Amen

3220 Joy Court
Lincoln, NE

Mary M. Meyer

From: Lynn Beranek [janese62@yahoo.com]
Sent: Sunday, May 06, 2012 7:30 PM
To: Council Packet
Subject: Fairness Ordinance

Most of you know me as the woman who works behind the scenes at 5 City-TV, helping with various productions including the Lincoln City Council meetings.

I am also a member of the LGBT community.

As such, I was thrilled to learn of the Fairness Ordinance that has been proposed. I know firsthand the heartache and fear of being "outed" at work and the possible loss of employment because of it. I also know that a city cannot truly be progressive until all of it's citizens have equal rights and protections under the law.

Therefore, I am respectfully asking that you vote YES on this ordinance.

Thank you,
Lynn Janese Beranek

Mary M. Meyer

From: Cameron Neira [cameronneira@gmail.com]
Sent: Thursday, May 03, 2012 9:49 PM
To: Council Packet
Subject: Fairness Ordinance

Lincoln City Council members,

I would like to take this opportunity to express my support for the Fairness Ordinance that is going to be under your consideration in the near future. While my place of employment has chosen to protect its workers from discrimination based on gender identity or sexual orientation, not all local businesses have followed suit; there are individuals that must live with the fear that someday they may lose their livelihood based solely on these factors. This should not be. The workplace should not be a space of fear, but of equality and respect. When an employer is determining whether to fire an employee, their decision should be based upon work performance rather than an individual's preferences or beliefs. Should an employer choose to terminate an individual's employment based solely on an aspect of their identity, there needs to be courses of action available for reparation just as there are routes for those discriminated against for their religious beliefs or race.

Already, the government provides protection from workplace discrimination based on many individual facets, such as race, religion, color, and sex. However, the list falls short. The Equal Employment Opportunity Act was designed to provide protection to all segments of society. In our ever changing world, it becomes extremely pertinent to keep such ideals fresh and valid to the current state of society. We have always strived for equal treatment and protection for all under the law, and history shows that we have been in the right. I believe that time will prove us in the right once more, despite those that would hold back progress, whatever their reasoning.

I urge you take the lead in our current struggle and pass the Fairness Ordinance to help ensure that Lincoln does not fall behind the tide of change and I can remain a citizen proud to call it my home.

Thank you for your consideration and time.

Cameron Neira
(402) 318-6586
1520 S. 23 St
Lincoln, NE 68502

Mary M. Meyer

From: jeffnbarbnichols@aol.com
Sent: Friday, May 04, 2012 11:42 AM
To: Council Packet
Subject: protected classes issue

Dear Council,
I would like to make my voice heard as you debate the issue of sexual orientation and gender identity being added to the protected classes under city code. I am strongly AGAINST such action. I believe this would be very detrimental to our city. I believe it would in fact, be discrimination of the rights of those who's beliefs of morality dictate against such things. It also seems to just make common sense that allowing those who identify themselves opposite gender into public restrooms is a real potential for causing harm instead of help. Please, vote against this issue. Thank you for your consideration.

Barb Nichols
www.thoughtfulimagesink.com

JAN GRADWOHL

May 4, 2012

Eugene Carroll, Chair
City Council of Lincoln, Nebraska
555 South Tenth Street
Lincoln, Nebraska 68508

IN RE: Bill No. 12-45 and the Motion to Amend No. 1.

Dear Council Chair Carroll:

I wish to give testimony on Bill No. 12-45, the proposed amendment to Title 11 of the Lincoln Municipal Code, Equal Opportunity, and Chapter 2.76 of the Lincoln Municipal Code, the City's Personnel Rules and Regulations, to prohibit discrimination on the basis of sexual orientation or gender identity, and on Paragraph 1. of the Motion to Amend No. 1. I will be out of state on Monday, May 7, the date set for hearing on these matters. Therefore I ask that the attached statement with regard to Bill No. 12-45 and the Motion to Amend No. 1 be received and considered as my formal testimony in this matter.

Thank you.

Jan Gradwohl

c: Adam Hornung, Vice-Chair
Jon Camp
Jonathan Cook
Doug Emery
Carl Eskridge
DiAnna Shimek

2925 JACKSON DRIVE, LINCOLN, NE 68502 ❖ JGRADWOHL@AOL.COM

WRITTEN TESTIMONY OF JAN GRADWOHL

Council Chair Carroll, Vice-Chair Hornung, and Members of the Lincoln City Council:

I apologize for not appearing before you personally on the critical issues raised by Bill 12-45, the proposed amendment to Title 11 of the Lincoln Municipal Code, Equal Opportunity, and Chapter 2.76 of the Lincoln Municipal Code, the City's Personnel Rules and Regulations. I will be out of the State on Monday, May 7, 2012, the date that this matter is set for hearing, but do wish to be heard on this vital matter.

This is a particularly exciting time to live in Lincoln. While many areas of the nation are suffering from economic decline, Lincoln is alive with new construction and civic improvements. It has one of the lowest unemployment rates in the nation. The expansion of the University of Nebraska, the creation of the new arena to attract more events to Lincoln, the strong business climate in the City, the strength of local arts organizations and the desires of the City to stimulate tourism and growth all add to the vibrancy of the community. The dynamic atmosphere of the City at this time is due in part to the varied elements within it, and it is the diversity of cultures, life-styles and interests that add richness to life in Lincoln.

Lincoln has been known for its open attitudes toward those with varied social concepts and cultures, and as a result has been used as a settlement area for refugees from war-torn countries or oppressive regimes – Cubans, Vietnamese, Bosnians, Sudanese and others. Lincoln's city ordinance protects such persons, but it does not provide safeguards for an important group of contributing residents of the City, the gay, lesbian, bisexual and transgender community. To exclude this group is in itself discrimination, for it sends the message that these important residents are not worthy of the protections afforded other valued persons in the City. That is bigotry in its most blatant form.

I oppose Paragraph 1. of the Motion to Amend No. 1, primarily because it could result in the denial of vital services, such as medical care, to members of the gay, lesbian, bisexual and transgender community. To deny medical or other vital services to any group within the community would be unconscionable. And if discriminatory practices are allowed at places of public accommodation owned or operated by religious entities, the door is open for a variety of prejudicial events and circumstances.

I am a former deputy county attorney and judge, but I am speaking out personally and am not in any way representing the views of any entities with which I have been affiliated in the past. The background in both fields gives me a unique perspective on the role of equality of individuals in the legal system. That is precisely the issue that you confront in considering the proposed equal protection amendment to the Lincoln Municipal Code -- whether to include in the Code an important minority group that has previously been excluded from its legal protections. This group has been shut out solely because its members have lifestyles with which some in the community disagree.

In addition to other reasons for supporting it, adopting Bill 12-45 would also benefit the City of Lincoln. It is in the City's interest to present itself as an open community that welcomes individuals with varying views. If Lincoln wants to be regarded as a place that is appealing to a diverse group of talented residents, it must be willing to provide the same legal safeguards for ALL of its residents. To fail to do so would portray the City as an entity that does not care about protecting a valued group within its jurisdiction.

I urge you to approve the Bill 12-45, and to reject Paragraph 1. of the Motion to Amend No. 1.

Thank you.

Jan Gradwohl

Mary M. Meyer

From:	Tyler Richard [tyler@outlinc.org]
Sent:	Monday, May 07, 2012 9:11 AM
To:	Doug Emery; Jon Camp; Jonathan A. Cook; Carl B. Eskridge; ecarrol@lincoln.ne.gov; Adam A. Hornung; DiAnna R. Schimek
Cc:	Council Packet
Subject:	Fairness Ordinance Support Packet
Attachments:	Fairness Ordinance Hearing Packet.pdf

May 7, 2012

Lincoln City Council
555 S. 10th St
Lincoln NE 68508

Dear Members of the Lincoln City Council:

Lincoln is a good place for many to call home due to your service to our city. Thank you for your commitment to Lincoln.

The need for the Fairness Ordinance has been known by members of Lincoln's gay and transgender community for decades. Over the past few months, a number of individuals and organizations have made it clear that now is the time to add "sexual orientation" and "gender identity" to our existing non-discrimination policy.

You will hear from many of these organizations and individuals during the hearing on the Fairness Ordinance at today's public hearing. For your convenience, a number of the written items and testimony transcripts have been compiled into this packet.

Should you have any questions, please do not hesitate to contact me or one of the testifiers who have provided contact information in this packet.

Give us a Lincoln that we can all be proud to call home. Make Lincoln Fair.

Sincerely,

Tyler Richard
Outlinc President

--
Tyler Richard | tyler@outlinc.org | 402-202-6211
http://www.outlinc.org

outlinc P.O. Box 84253 · Lincoln, NE 68501-4253 · www.outlinc.org

May 7, 2012

Lincoln City Council
555 S. 10th St
Lincoln NE 68508

Dear Members of the Lincoln City Council:

Lincoln is a good place for many to call home due to your service to our city. Thank you for your commitment to Lincoln.

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Give us a Lincoln that we can all be proud to call home. Make Lincoln Fair.

Sincerely,

Tyler Richard
Outlinc President

Fair
MakeLincolnFair.org

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Why Make Lincoln Fair

UNMC - Employment-related discrimination experiences for LGBT Lincoln, NE residents

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- Tyler Richard, Outlinc President
- Dr. Pat Tetrault
- Laurel S. Marsh, ACLU Nebraska
- Rev. Stephen Griffith, St. Paul United Methodist
- Realtors Association of Lincoln
- Debra A. Hope, Department of Psychology, Ph.D.
- Beatty Brasch, Center for People in Need Executive Director
- Michael Dunn, ASUN Government Liaison
- Andrea Snowden, YWCA Lincoln Board Member
- Thia Hartlely, PFLAG Cornhusker President

Cities with Non-Discrimination Policies including Gender Identity

ACLU Legal Memo on Constitutionality of Nondiscrimination Laws

Human Rights Campaign - Greenberg Quinlan Rosner Research

Stories collected on MakeLincolnFair.org

P.O. Box 84253 · Lincoln, NE 68501-4253 · www.outlinc.org

Why "Make Lincoln Fair"?

People should be judged at work by their performance, not their sexual orientation. If you work hard and do your job effectively, you shouldn't be fired just because you're gay, lesbian, bisexual or transgender. Great performance deserves a fair workplace. LGBT people are productive parts of the Lincoln community, who contribute to the economy and it's only fair they be able to earn a living like all other productive workers.

The Fairness Ordinance would continue Lincoln's long-standing tradition of treating everyone fairly. In 1966, Lincoln became the first city in Nebraska to stand-up against workplace discrimination, we can continue to grow our attractiveness to businesses by promoting a value Lincoln was built upon: fairness.

Now is the time to add "sexual orientation" and "gender identity" to our existing protections. Now is the time to Make Lincoln Fair.

Nebraskans Support Fairness
An overwhelming majority of Nebraskans — 73% — believe that lesbian, gay, bisexual and transgender people should be protected from discrimination in employment.

Discrimination Hurts People in Lincoln
These protections are necessary to ensure that all productive workers have the same opportunities. A June 2011, local study by the University of Nebraska Medical Center recommended that community leaders reduce barriers that prevented gay and transgender residents of Lincoln from being out in order to improve public health and workplace performance. This study showed that discrimination against gay and transgender people exist, even in Lincoln.

Fairness is a Tradition
The Fairness Ordinance would continue Lincoln's tradition of ensuring that everyone has access to the same opportunities, benefits and protections. **This ordinance simply adjusts existing policy regarding employment to protect lesbian, gay, bisexual, and transgender people, just as it currently protects people based on characteristics like race, sex, religion, national origin, and disability.**

Businesses Support Fairness
Small businesses and Corporate America have already begun voluntarily implementing this type of protection—97 of the Fortune 100 largest companies in America have policies banning discrimination on the basis of sexual orientation—but the Fairness Ordinance is necessary to make sure everyone in Lincoln receives fair treatment.

Faith Leaders Support Fairness
More than twenty clergy from several congregations have voiced support of fairness for the LGBT community. This ordinance will continue its existing standard of balancing the need for people of faith to hold their values while also treating people fairly.

Business Won't Have to Change
Business owners have existing processes in place for following the existing ordinance. This simply expands the list of protected classes and does not require any other changes on the part of an employer.

Our City Will Grow - Without Costly Claims
The ordinance allows gay and transgender people to file claims of discrimination with the city using the process that currently exists for other, similar claims. The many cities, companies and states that have implemented employment discrimination protections have not seen any significant surge in litigation. The Williams Institute found that complaints of discrimination on the basis of sexual orientation were filed at an average rate of 3 to 4 per year for every 10,000 employees.

Our Businesses Will Grow - Without Costly Claims
An October 2011, poll of small business owners by the Center for American Progress found that: 67% of small business owners report absolutely no costs associated with non-discrimination policies. The few companies that did cite costs noted that those costs were negligible, representing less that 1% of annual operating costs; 7 out of 10 small business owners nationwide already have such policies in place.

Already, all but 2 of the top 50 "Fortune 500" companies include sexual orientation in their non-discrimination policies; 7 out of 10 companies also include gender identity. Companies with these workplace policies report the following economic benefits: Recruitment and retention of the best talent; Ideas and innovation drawn from a diverse work force; Increased employee productivity and lower costs for business.

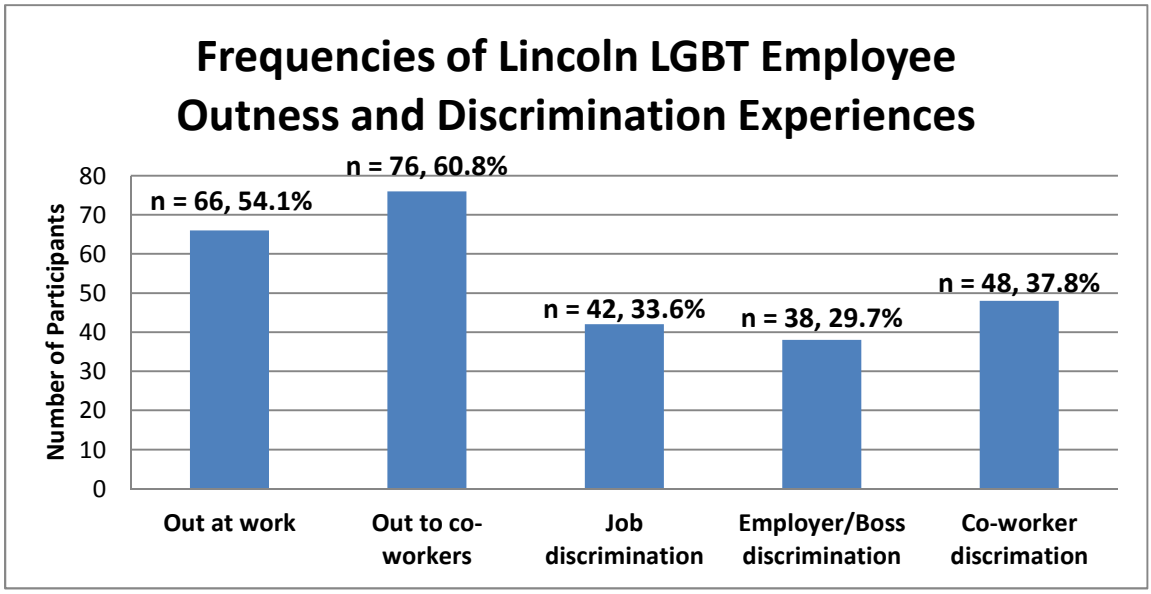
Lincoln Can Remain Competitive
As of March 2012, 163 other municipalities in the United States — including Omaha — have adopted an ordinance similar to the Fairness Ordinance. With some city ordinances in effect since the 1970's, both large cities such as New York, Los Angeles, and Chicago, and smaller, regional cities such as Kansas City, Minneapolis, Denver and even Council Bluffs have determined that fairness in the workplace will help build successful communities.

Addendum B: Employment-related discrimination experiences for LGBT Lincoln, NE residents

This addendum serves as an addition to the data analysis presented in the June 25, 2011 Midlands LGBT (lesbian, gay, bisexual, and transgender) Needs Assessment Community Report prepared by the directors (Drs. Fisher, Irwin and Coleman) and student researchers (Ms. McCarthy and Chavez) of the Midlands Sexual Health Research Collaborative (MSHRC) based in the College of Public Health at UNMC. The study was conducted in 2010 via an online survey. The aim of the broader study was to assess the physical, mental, social and sexual health of LGBT persons who lived, worked, and/or "played" in Nebraska.

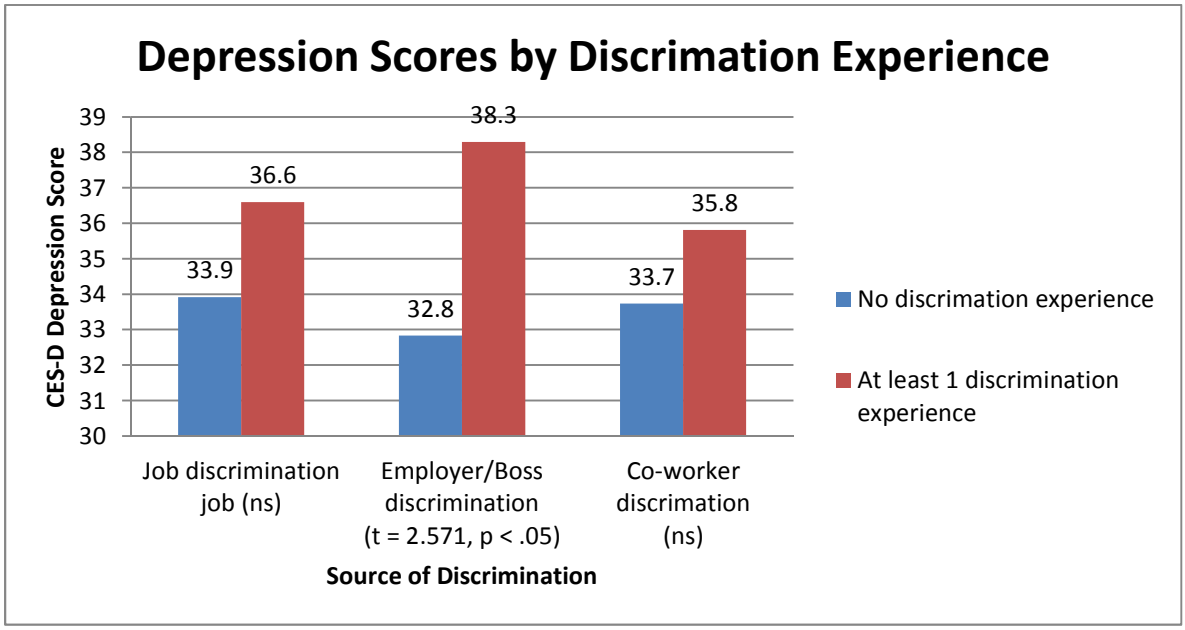
As identified in the original report (see Appendix F), nearly a third of respondents indicated some experience with job discrimination *because* of their sexual orientation and/or gender identity. As of this writing, Lincoln as a municipality and the state of Nebraska as a whole do not provide employment protections based on sexual orientation or gender identity with the recent exception of Omaha, NE, which recently enacted such protections. Currently, 16 states, including Iowa, and the District of Columbia offer such protections with an additional 5 states providing protections only based on sexual orientation (http://sites.hrc.org/sites/passendanow/index.asp). As the city council of Lincoln considers a local ordinance for employment non-discrimination, the MSHRC felt it important to provide data related to experiences of LGBT Lincoln residents based in scientific research. The findings reported in this addendum are based solely on the scientific analysis of the data and supporting scientific literature.

Of the 770 survey respondents, 129 (16.8%) were from Lincoln (proper, not metro). Measures of experienced employment discrimination were included in the survey. Over half of the respondents from Lincoln had disclosed their sexual orientation and/or gender identity to their employers (n = 66, 54.1%) and their co-workers (n = 76, 60.8%). Many respondents indicated, due to their LGBT identity, having been discriminated against in a job at least once (n = 42, 33.6%), treated unfairly by an employer, boss or supervisor (n = 38, 29.7%) and being treated unfairly by coworkers (n = 48, 37.8%).



Respondents who indicated at least one experience of unfair treatment by an employer, boss, or supervisor because of their LGBT identity were significantly more likely to have higher depressive symptoms on the standardized depression scale (see table below; see page 23 for more details on depression scale). While the other two forms of workplace-related discrimination measured did not yield statistically significant differences in depression scores, those reporting at least one discriminatory experience from co-workers or in a job did have higher average depressive symptoms than those reporting no discrimination. Other analyses from this study

showed that participants with higher depressive symptoms scores were more likely to report higher numbers of sick days and generally they indicated illness interfered with their normal daily activities on more days than those with lower depressive symptoms scores (see page 25).



It's important to note this relationship is correlational and not causal; we cannot infer from this data that the perceived discrimination by an employer, boss, or supervisor led to greater depressive symptoms. However, there is sufficient evidence in other studies to suggest that experienced discrimination, regardless of where it is happening, is indeed strongly related to subsequent bouts of increased depression (Shulz, et al., 2006; Almeida et al., 2009) which has been shown in other studies to lead to increased work impairment due to physical health (e.g., Keenan-Miller, Hammen, & Brennan, 2007).

Based on the scientific literature and the results of the Lincoln-specific data, it is possible that a lack of legal protections from discrimination may have negative implications for LGBT persons. A lack of policy likely does not promote discrimination. However, it potentially creates a work-place environment that is unsupportive of LGBT identities and thus does not stop or discourage discriminatory practices from happening. A good portion of our participants had experienced discrimination due to their sexual orientation and/or gender identity. Those experiences may have led to increased depressive symptoms which led to increased illnesses which reduced productivity in the workplace. Finally, increased depression has been shown to be correlated to a number of other negative health outcomes (Moussavi et al., 2007) for the individual which may also impact workplace productivity.

References

Almeida, Johnson, Corliss, Molnar & Azrael (2009). Emotional distress among LGBT youth: The influence of perceived discrimination based on sexual orientation. *Journal of Youth and Adolescence*, 38(7), 1001-1014.

Keenan-Miller, Hammen & Brennan (2007). Health outcomes related to early adolescent depression. *Journal of Adolescent Health*, 41(3), 256-262.

Moussavi, Chatterji, Verdes, Tandon, Patel & Ustun (2007). Depression, chronic disease, and decrements in health: Results from the World Health Surveys. *The Lancet*, 370(9590), 851-858.

Schulz, Gravlee, Williams, Israel, Mentz & Rowe (2006). Discrimination, symptoms of depression and self-rate health among African American women in Detroit: Results form a longitudinal analysis. *American Journal of Public Health*, 96(7), 1265-1270.

Outlinc Testimony
Tyler Richard, President

Good afternoon Council members:

My name is Tyler Richard and I am president of Outlinc which is in strong support of the Fairness Ordinance. Over the past three years we have gathered with hundreds of gay and transgender residents of Lincoln with the goal of making Lincoln the most welcoming place in the Midwest for lesbian, gay, bisexual and transgender people to live, work and play. You have an opportunity before you to not just make Lincoln more welcoming for gay and transgender people, but also to improve our economy and business culture.

Today a variety of supporters will be speaking on a basic value: fairness. People should be judged at work by their performance, not their sexual orientation or gender identity.

Faith leaders, those in touch with business community, experts in the social sector and health advocates will all be talking about how the Fairness Ordinance will improve the city of Lincoln. You will also hear from researchers and those that work with discrimination to discuss the harm that is allowed under the current state of the law.

In 1966, Lincoln became the first city in the state to stand-up to discrimination. For approaching 50 years, businesses in Lincoln have had practices in place to prevent unlawful discrimination and our city has had process in place to respond when complaints are made. Religious institutions have had exemptions. The protected class list has been modified five times by the city council alone, in two instances without being required to by state or federal law. None of these things would change under the Fairness Ordinance.

The Fairness Ordinance would continue Lincoln's tradition of ensuring that everyone has access to the same opportunities and protections. This ordinance simply adjusts existing policy by adding "sexual orientation" and "gender identity" to the protected class list. It has nothing to do with bathrooms. It has nothing to do with health care benefits. Religious exemptions are strengthened to continue to allow people of faith to uphold their personal values while balancing the common goal of preventing discrimination.

What this means for the thousands of gay and transgender people that call Lincoln home can be shared through a few stories Outlinc collected through the website, MakeLincolnFair.org.

Suzanne
In 1981, my father was a member of the Lincoln City Council. One of its members

proposed a human rights ordinance, which would include "sexual orientation" as a protected class for the city of Lincoln.
I had just discovered a year earlier that I was gay. I "came out" to my parents, in order to let my father know that if he voted against this ordinance, he would be voting against me as a gay woman.

Morgan
After my boss learned that I participated in an event for supporters of gays and lesbians, I was fired from my job. This happened in Omaha but because Lincoln doesn't offer protections I have never had a lot of confidence when applying for a job in Lincoln.

David
I left Lincoln in 1970 and never looked back. I understood back then that there was not going to be a life for me in Lincoln. I don't even visit except for the most important family events. When I do return with my husband and our daughter, I am very aware of the unspoken message LGBT youth receive when they meet us. It gets better, if you leave.

Anonymous
I experienced very little discrimination as I transitioned in Nebraska, and I know that my case was neither common nor typical, but it was quite open and with that openness came a lot of fear - fear for my personal safety and fear for my future job prospects. There are many people like myself in Lincoln.

When considering the Fairness Ordinance you must ask yourself if these stories of fear, isolation and leaving make you proud. If not, if the Lincoln that you want people to consider moving to, to consider staying in, to consider calling home is a Lincoln with a reputation for treating everyone with fairness and respect then you must vote for the Fairness Ordinance.

I am immensely proud to have called Lincoln home for a decade now. And I am proud of my hometown, Omaha, for taking the lead on providing these basic protections offered in 163 other communities and most Fortune 100 companies.

I ask you today to give us a Lincoln we can all be proud to call home. Make Lincoln Fair. Thank you.

Fairness Ordinance Testimony

Pat Tetreault, Ph.D., ptetreault1@unl.edu 402.472.1752

May 7, 2012

I am here as a citizen of Lincoln who would like to see our city progress. I have worked at the university for about 20 years but am not representing the university. I have also experienced the climate change. My work relates to the fairness ordinance as my primary job responsibilities are to provide education, outreach, support and advocacy regarding social justice, sexual orientation, gender identity and expression. I work with the larger campus community as well as the Lesbian, Gay, Bisexual, Transgender and Ally community. I have experienced, witnessed, and learned about the stigma, prejudice and discrimination that individuals experience as a result of being or being perceived to be LGBT, or for being associated with and supportive of the LGBTQA community. I have also studied issues related to this area as well as conducted research. I have seen and experienced the benefits of having a non-discrimination policy that includes sexual orientation in my workplace. Having policies that make it clear that discriminatory behavior is not standard operating practice in a workplace helps to encourage and sustain a work environment and practices that are more likely to be fair, although they do not guarantee that discrimination will not occur. It does not eliminate prejudice and stigma although it helps in the overall tone and experience in a work environment. It sends a message to individuals and a group that does not have equal standing in our community that the inequity is recognized and that the government intends to support and treat people fairly when in comes to matters of orientation and identity.

Many of the students that I know work in the Lincoln community. I know individuals who have **not** been hired, have been fired, or have been treated poorly within their work environment for being or being perceived to be gay. I hear about and sometimes hear negative comments and misperceptions that indicate a lack of understanding and discomfort with and about LGBT topics. Given the controversy around the worth and acceptance of LGBT individuals, many LGBT individuals, our families and friends are concerned about the negative consequences of people knowing who we are. There is a lack of accurate information and openness around sexuality, orientation and identity. There appears to be an acceptance that prejudice and discrimination against LGBT people and our families and friends is a religious freedom issue and not to be challenged. Silence and invisibility helps maintain the status quo. Stigma is often the result and also impacts those interested in learning. My experience and national data indicate (2010 Report on the Status of LGBT People) that there are individuals who are interested in LGBT programming who are hesitant to participate because they are concerned that someone may think they are gay or that they don't know how to interact with LGBT individuals appropriately. I have also experienced that some individuals and groups don't want to work with the LGBT population or issues because of the controversy and support for allowing discrimination and as a result of stigma. When the government allows discrimination to occur it condones and supports discriminatory behavior that can result in negative health and life consequences for people that may range from losing a job, to bias incidents or hate crimes. If we want to be treated fairly, it is imperative that we treat others fairly. Having a policy of fairness should not be a controversial topic.

There is a particular religious belief that is used to justify and even promote discrimination. This is NOT a universal belief. Having grown up in a military and Catholic home, I believe in the rights that are recognized in the Constitution and the Bill of Rights. I believe that we are called to treat others with love and respect and as we would want to be treated. I personally want to live in a world that is fair, accepting, and caring rather than one in which certain personal beliefs are imposed on the general public so that some individuals are allowed to discriminate freely in the public realm. The government is not here to support a particular religious belief; creating a policy not to discriminate benefits everyone.

Research and experience indicates that the climate for LGBT people has improved although we still have a ways to go. My research with the Gay Straight Alliances in the high schools indicates that what it is like in school varies for students. It depends on where you are at, what is going on and who is there. This is somewhat true for the university as well. Most students who experience bias don't report it for a variety of reasons: they may have to out themselves, they don't know who to tell, or they think it may make it worse. Over 30% didn't think anyone would care but people do care. Life can be challenging and it is more challenging when you are treated unfairly because of who you are or are perceived to be. It is worse when those who are supposed to be there for support and assistance aren't because of a belief by some that we do not deserve the same rights as others. We all deserve the opportunity to be treated and evaluated fairly based on our character and skills rather than perceptions and beliefs. When we are treated unfairly, when we experience stigma, prejudice and discrimination, it can result in negative impacts on our psychological and physical health and is referred to as minority stress. This additional stress has been well documented in the LGBT community (Journal of Public Health, June 2001). We all know that stress impacts our health and there are additional consequences from the additional stress of living with discrimination. Research also shows that support and acceptance from one's friends and families make a difference in the health and wellbeing of LGBT people.

Research conducted at UNL (Tetreault, Fette, Meidlinger, & Hope, in press) has shown that LGBT students who have experienced negative impacts in their lives by losing the support of their family, friends or have consequences impacting their living situation are more likely to be closeted, more likely to have a negative perception of the climate, and are more likely to think about leaving school while LGBT students who have had little impact on their support from family, friends or on their living situations are more likely to be out, are more likely to experience bias yet have a better perception of climate and are more likely to speak up when they experience or witness bias.

Being able to be out or live openly benefits the overall wellbeing of an individual for a variety of reasons. The federal government and the military have also recognized this by repealing the military policy of *Don't Ask Don't Tell.* Allowing individuals to live with integrity supports basic values of equality under the law and fair treatment for everyone. This policy change supports individuals being able to honestly be the best they can be. The National Survey of Student Engagement (2009) also demonstrates that LGBT students who are willing to self-identify as LGBT on the survey (for those schools that included the optional identity questions), that LGBT students are the most engaged students on campus. The talent and resilience of LGBT people is recognized by many businesses and organizations as demonstrated by the nondiscrimination policies of many Fortune 500 companies, the universities in the Big 10, and the military. Progress in the larger society is making its way to Lincoln, NE.

I also am contacted regularly and more frequently by prospective students and faculty asking what the climate at the university and what it is like for LGBT people who live in Lincoln. Having non-discrimination policies and resources makes a difference. Having an environment where all members of the community are accepted and valued makes a difference. As our society continues to shift, we have more LGBT people living openly and LGBT youth are coming out at earlier ages. Expectations around fair treatment are increasing and for a state and country that gives voice to the ideals of equality under the law and liberty and justice for all, it is imperative that we strive to live in accordance with these values. I would like to thank the council for considering this policy change and believe that passing this ordinance is both the right thing to do and will benefit the city of Lincoln as we take a stand to support fairness.

"The earth is the mother of all people, and all people should have equal rights upon it."

--- Chief Joseph

ACLU
AMERICAN CIVIL LIBERTIES UNION
NEBRASKA

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tel. (402) 476-8091 • fax. (402) 476-8135 • info@aclunebraska.org
BECAUSE FREEDOM CAN'T PROTECT ITSELF

May 7, 2012

Lincoln City Council
555 South 10th Street
Lincoln, NE 68508

RE: Proposed Lincoln City Ordinance to prohibit discrimination on the basis of sexual orientation or gender identity, the *Fairness Ordinance*

Dear Council Members:

The ultimate goal of ACLU's work on behalf of lesbian, gay, bisexual and transgender (LGBT) people is an America free of discrimination based on sexual orientation and gender identity. This means an America where LGBT people can live openly, where identities, relationships and families are respected. We work to ensure that LGBT people have equal opportunity to participate fully in civil society by securing freedom from sexual orientation and gender identity discrimination in the workplace, in housing, and in businesses and public places.

There are several common arguments against the inclusion of sexual orientation and gender identity in anti-discrimination ordinances. You may hear that sexual orientation is a choice, and that we ought not offer protection to those who make a choice that could result in discrimination. This argument is a red-herring. We cannot choose our race, our color, our ancestry, disability, age, or national origin. But we can choose our religion, our creed, and our marital and familial status. Our choices, or the lack thereof, are not the reason for the protected status. Rather, the need for protected status is determined because this is the litany of qualities by which people do, in fact, suffer discrimination.

Evidence abounds that LGBT people continue to experience discrimination in employment, housing, and public accommodations, among other contexts. For example, a 2011 UCLA report determined that 27% of lesbian, gay, and bisexual people across the United States had experienced some form of sexual orientation discrimination in the workplace in the five years before they were surveyed, including 7% who had lost a job because of their sexual orientation, and that 78% of transgender people across the United States had experienced employment discrimination related to their gender identity in the preceding five years.[1]

There have also been recent questions about Lincoln's authority to adopt the Fairness Ordinance. The City Council should not be swayed by arguments that the Fairness Ordinance is beyond the City's authority. Nebraska statute clearly empowers political subdivisions, including cities, to

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[1] Brad Sears and Christy Mallory, Williams Institute, UCLA School of Law, *Documented Evidence of Employment Discrimination & Its Effects on LGBT People* (July 2011), http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-2011.pdf.

pass civil rights ordinances that give protections based on characteristics beyond those found in state law. Cities are granted authority to pass "more comprehensive" anti-discrimination protections, just as Omaha recently accomplished. Challenges to the Council's authority have been ably defended by both Omaha and Lincoln City Attorneys. Additionally, ACLU Nebraska has provided an analysis of federal and state authority which I referenced above, to pass these protections as over 160 other communities have done.

In short, it is a matter of both good public policy and basic fairness. ACLU continues to seek anti-discrimination protections for LGBT people in employment, housing, businesses, and public places. The proposed Fairness Ordinance would do just that, and I urge its speedy adoption.

Sincerely,

Laurel S. Marsh
Executive Director

Testimony before Lincoln City Council

In support of Ordinance No 12-45
The Fairness Ordinance

Stephen C. Griffith
1212 S. 23rd Street
Lincoln, NE 68502
402-730-8927

My name is Stephen C. Griffith. I live at 1212 S. 23rd Street, Lincoln.

I am a minister at Saint Paul United Methodist Church and I have a statement of support for the amendment from a number of Lincoln clergy.

> *As religious leaders we stand for fairness for everyone in our community. We call on the Lincoln City Council to enact provisions that protect lesbian, gay, bisexual and transgender individuals from discrimination in the workplace.*
>
> *We believe it is our moral imperative to ensure that all our residents live in dignity and free from fear. In our pastoral experience we have seen and heard about bullying, teasing and discrimination in the workplace. We know all too well that this discrimination can be hurtful and even fatal.*
>
> *As people of faith, we affirm inclusion of all people, and we celebrate the diversity with which God created our world and all living things. LGBT people are children of God and are entitled to equal protection in the eyes of the law. In the workplace people should be judged by their performance, not their sexual orientation or gender identity.*
>
> *Our concern is spiritual, based on our faith: God desires human beings to be treated justly. Now is the time to Make Lincoln Fair.*

This statement has been signed by the following clergy:

Rev. Karla Cooper, Rev. Susanna DesMarais, Rev. Melissa Finlaw Draper,
Rev. Roddy Dunkerson, Rev. Nancy Erickson, Rev. Nancy Flader,
Rev. Kimberly Hinrichs, Rev. Jim Keck, Rev. Jim Keyser, Rev. Renae Koehler,
Rabbi Craig Lewis, Rev. David Lux, Rev. Carole Lunde, Rev. James Miller,
Rev. Larry Moffet, Rev. Kenneth Moore, Rev. Jamie Norwich McLennan,
Rev. Jay Schmidt, Laura Shennum, Rev. Bob Snell, Father Jerry Thompson,
Rev. Richard Turner, Rev. Galen Wray

Not only clergy, but many in our congregations favor this. I myself have received numerous expressions of encouragement from parishioners for supporting this amendment. In particular one woman thanked me and told me that her son had left Lincoln because he was afraid of being outed at work and being fired. As she told me this, even years after the fact, I could hear the pain in her voice and see in her eyes the anguish of knowing that her son had felt forced to flee his hometown to find work where he would be safe.

We Lincolnites are bigger than that, better than that. One of our basic values is that everyone deserves to be treated fairly. It's time we wrote that traditional value into our public policy. I urge you to adopt this ordinance and Make Lincoln Fair.

REALTORS® ASSOCIATION
OF LINCOLN

April 30, 2012

Lincoln City Council
555 So. 10th Street, Room 111
Lincoln, Nebraska 68508

Dear Council Members:

I am writing on behalf of the REALTORS® Association of Lincoln in support of the proposed Fairness Ordinance.

The National Association of REALTORS®, over 1 million members strong, amended Article 10 (Duties to the Public) of the REALTOR® Code of Ethics and Standards of Practice to include sexual orientation as a protected class in November of 2009. The REALTORS® Association of Lincoln also recently amended the discrimination policy included in their real estate contracts to include protection against discrimination based on sexual orientation.

We are dedicated to the protection and preservation of the individual and collective rights to own real property as guaranteed by the Constitution of the United States and the State of Nebraska. No person should have their right to rent or purchase shelter of choice abridged because of race, color, religion, sex, handicap, familial status, national origin, ancestry, marital status or sexual orientation.

To put it quite simply, REALTORS® believe in the fair treatment of all. Included in our pledge is, "To act fairly towards all in the spirit of the Golden Rule." To treat others the way you would want to be treated. We appreciate the City of Lincoln and Mayor Beutler for believing the same and proposing the amendments to Title 11 of the Lincoln Municipal Code relating to Equal Opportunity.

With regards,

Nicole D. Jensen
Executive Vice President
REALTORS® Association

Cc: Mayor Chris Beutler

8231 Beechwood Drive • Lincoln, NE 68510-2678 • Phone: 402.441.3620 • Fax: 402.441.3630

Testimony to Lincoln City Council on Fairness Ordinance
May 7, 2012
Debra A. Hope, Ph.D.

Good Afternoon. Thank you for the opportunity to address the Council.

My name is Debra Hope and I am a licensed clinical psychologist, UNL faculty member and Clinical Director for the UNL Weibling Project for the Psycholegal Study and Treatment of Discrimination. I would like to share with you a summary of the peer-reviewed scientific literature studying discrimination based on sexual orientation and gender identity to explain how discrimination impacts mental health and well-being.

First, as already mentioned, in both local research and in national scientific surveys, gay, lesbian and bisexual individuals report experiences of unfair discrimination due to their identity in the workplace, schools and housing that interferes with their ability to live happy, productive lives. For LGBT individuals, discrimination is not a myth.

Second, without legal protection, individuals who identify as gay, lesbian, bisexual and transgender often need to conceal their identity to maintain their job or living arrangements, and sometimes protect their physical safety, even if they do not experience actual discrimination. Concealing their identity is an everyday stressor – not a onetime event--no family photos on one's desk at work, being careful not to mention too many details from weekend social events, concealing a partner's gender by switching pronouns, hiding the normal joys and sorrows of family life from one's coworkers. The research shows that the stress of this concealment takes a psychological toll over time, impacting both physical and mental health and well-being.

Third, other research shows that ordinances such as the one you are considering here today are effective in reducing even subtle discrimination. For example, studies show that individuals who are perceived to be gay or lesbian are treated more fairly, even when making a simple inquiry about a retail job opening, in communities that have a fairness ordinance compared to an adjacent and similar community without such an ordinance.

To summarize, the scientific literature is clear that discrimination based on sexual orientation and gender identity occurs, concealment of one's identity due to fear of discrimination causes real and measurable harm itself, and the action you are considering here today will likely have a significant positive impact reducing obvious as well as subtle acts of discrimination for LGBT individuals in our community.

Thank you.

Debra Hope, PhD
Professor
Department of Psychology, University of Nebraska Lincoln
dhope1@unl.edu
402.472.3196

For more information on the Weibling Project
Richard Wiener, PhD
Director, Weibling Project for the Psycholegal Study and Treatment of Discrimination
rwiener2@unl.edu
402.472.1137
University of Nebraska-Lincoln

http://psychology.unl.edu/weibling

Fairness Ordinance Testimony

Beatty Brasch
Exec. Dir
Center for People in Need
3901 N. 27th
Lincoln, Ne 68502

I am proud to lead an organization that has policy in place that ensures gay, lesbian, and bisexual people have the same rights to a job as anyone else. The Center for People in Need recognizes that all hardworking people in Lincoln, including those who are gay or transgender, should have the chance to earn a living and provide for themselves and their families. No one should have to live in fear that they could be legally fired for reasons that have nothing to do with their job performance — especially in this uncertain economic climate.

The Center's policy has not led to issues or lawsuits. In fact, we believe our policy allows us to attract talented people who want to work in an open and inclusive environment. It also sends the right message to our clients. A City ordinance would have the same impact on workers' perceptions of Lincoln. Keep in mind that our City has to compete with other communities for talented workers and many of those cities have protections in place based on sexual orientation.

It's important to understand that because of social and cultural biases, many people directly affected by discrimination based on sexual orientation have been reluctant to report discriminatory behavior directed at them. Moreover, they may have found little support and no easy access to any informal or formal means of redress in the past. And many have been afraid that complaining might lead to further discrimination such as ostracism, absence of promotions, or refusal to provide good letters of reference.

An ordinance that protects the employments rights of gay people creates a better workplace for all of Lincoln's citizens. It's the fair thing to do.

Fairness Ordinance Testimony

Michael Dunn
Association of Students of the University of Nebraska
Government Liaison Chair

My name is Michael Dunn, I am a senior at the University of Nebraska-Lincoln, and I currently serve as the Government Liaison Chair for ASUN, and as such I am testifying on behalf of the Association of Students of the University of Nebraska. We believe that we must protect all of our students, including those part of the LGBTQ community. The University student body and the City of Lincoln are intrinsically linked. We live here, play here and a large number of us work here as well. For many students, a job in the city is how they pay for tuition or college expenses in an era where costs are consistently rising on a year-to-year basis. It is unfair that a student may be forced to endure a harmful work environment because they can't afford to leave and they fear speaking about it. This can lead to unnecessary stress and burden for a person that already has to attend classes and study for exams. It is unfair that a competent employee may be fired because of an employer decides they don't like an attribute about them that has no bearing on the work environment. Students who depend on jobs to pay for school may have to drop out of college as a result. The average amount that an LGBT student must personally provide to pay for school is, on average, higher than a straight student and so without employment they are especially at risk for being unable to pursue higher education.

In addition to being unfair for students, the lack of protections are unfair for the Lincoln community as a whole. The lack of a fair city means that potential students who are gay may not choose to attend UNL because they fear an unsafe environment. By not passing this ordinance, the city would be missing out on potential new talent coming into the city. In many instances, LGBT students, especially those who have faced discrimination the work place, that attend school in this city choose to leave it in favor of cities who are more inclusive to them. As a result the State and the City are losing out on many qualified, talented people who could be working in private businesses to enhance the city. On behalf of the student government at the University of Nebraska-Lincoln, I urge the City Council to pass the Fairness Ordinance to help protect our students and to allow the City of Lincoln to better collect on the benefits that housing an excellent public University like the UNL can provide.

May 7, 2012
Lincoln City Council-Fairness Ordinance

YWCA Lincoln
Andrea Snowden
6811 Ash Hollow Ln
Lincoln, NE 68516-2982

My statement reflects the mission of the YWCA Lincoln and the intention of the Board of Directors to support passage of this ordinance.

The YWCA Lincoln is dedicated to promoting peace, justice, freedom and dignity for all. We encourage this city council to pass the Fairness Ordinance to ensure ALL people have equal access and opportunity in employment and public accommodations.

Employees should be judged by their performance and not by their sexual orientation. In a study released this past February by the University of Nebraska Medical Center College of Public Health nearly 1/3 of the respondents reported some job discrimination because of their sexual orientation or gender identity.

Capable and productive employees should be recognized fairly for those efforts and rewarded for their contributions. They should never fear discrimination for who they are.

Expanding current policy that protects Lincoln workers from discrimination based on race, sex, religion, national origin or disability to include sexual orientation and gender identity is the right thing to do to give all Lincoln workers access to the same opportunities, benefits and protections.

The YWCA Lincoln supports this ordinance because we believe a just society is one in which all citizens are treated with fairness and dignity.

Thia Hartley, Board President
PFLAG Cornhusker Chapter
1300 G Street #101E
Lincoln, NE 68508

My name is Thia Hartley. I have a gay family member that I love more than life itself. I am the president of the Lincoln Chapter of Parents, Families and Friends of Lesbians and Gays. PFLAG was established in Lincoln in 1981. I've been a member since 1990. PFLAG holds monthly meetings where lesbian, gay, bisexual and transgender (LGBT) people and their family members come to be educated and receive support. It is rare for us to hold a monthly meeting where there is not a new to PFLAG person in attendance.

PFLAG has the distinction of having worked with more LGBT people in Lincoln than any other organization. I personally have talked to hundreds of LGBT people and their family members. Each person is unique but their stories have some similarities.

People tell us that they know at an early age that they are different. When they are old enough to put words to it, that difference is that they are LGBT. Most parents tell us it was not a total surprise when their child told them they were LGBT. Unfortunately as a direct result of a society that is not yet free, most people have thought about suicide solely because they are LGBT.

If their workplace includes sexual orientation and gender identity in a non-discriminatory policy, adults tell us they are grateful that they can work without the fear of being fired because they display a picture of their loved one on their work desk. Straight people take that for granted.

If their workplace does not include sexual orientation and gender identity in a non-discriminatory policy, people tell us they are fearful of being fired only because they are LGBT. Think about how it would be to live in fear of losing your job every day of your life. It's not an unfounded fear. PFLAG has heard from scores of people who have been fired only because they are LGBT.

Finally, many of our young people tell us that they plan to complete their education and then leave Lincoln to move to communities that are more supportive. Lincoln can't afford to lose our young people.

PFLAG urges the City Council to pass the Fairness Ordinance; so in addition to other classes protected by law, LGBT people in Lincoln can work and support themselves and their families. We all should have the right to work. Thank you.

Cities & Counties with Non-discrimination Ordinances that Include Gender Identity
Source: Human Rights Campaign

As of January 25, 2012 at least 162 cities and counties prohibit employment discrimination on the basis of gender identity in employment ordinances that governed all public and private employers in those jurisdictions. This list does not include those cities and counties that prohibit discrimination on the basis of gender identity for city and county employees — such policies do not affect private employers in those jurisdictions.

Cities and Counties that Prohibit Discrimination Based on Gender Identity in Public and Private Employment, By State (Year Effective).

Arizona
Tucson, City of 1999

California
Allegheny, County of 2009
Los Angeles, City of 1979
Oakland, City of 2005
San Diego, City of 2003
San Francisco, City of 1994
San Jose, City of 2002
Santa Cruz, City of 1992
Santa Cruz, County of 1998
West Hollywood, City of 1998

Colorado
Boulder, City of 2000
Denver, City of 2001

District of Columbia
Washington, City of 2006

Florida
Broward, County of 2008
Dunedin, City of 2002
Gainesville, City of 2008
Gulfport, City of 2005
Key West, City of 2003
Lake Worth, City of 2007
Leon, County of 2010
Miami Beach, City of 2004
Monroe, County of 2003
Oakland Park, City of 2007
Palm Beach, County of 2007
Tampa, City of 2009
Volusia, County of 2011
West Palm Beach, City of 2007.

Georgia
Atlanta, City of 2000
Decatur, City of 2002

Illinois
Bloomington, City of 2002
Carbondale, City of 2005
Champaign, City of 1977
Chicago, City of 2002
Cook, County of 2002
Decatur, City of 2002
DeKalb, City of 2000
Evanston, City of 1997
Peoria, City of 2003
Springfield, City of 2003
Urbana, City of 1979.

Indiana
Bloomington, City of 2006
Evansville, City of 2011
Indianapolis, City of 2005
Marion, County of 2005
Monroe, County of 2010

Iowa
Council Bluffs, City of 2008
Iowa City, City of 1995
Johnson, County of 2006
Waterloo, City of 2007

Kansas
Lawrence, City of 2011

Kentucky
Covington, City of 2003
Jefferson, County of 1999
Lexington-Fayette, County of 1999
Louisville, City of 1999

Louisiana
New Orleans, City of 1998

Massachusetts
Boston, City of 2002
Cambridge, City of 1997
Northampton, City of 2005

Maryland
Baltimore, City of 2002

Howard, County of 2011
Montgomery, County of 2007

Michigan
Ann Arbor, City of 1999
Detroit, City of 2008
East Lansing, City of 2005
Ferndale, City of 2006
Grand Rapids, City of 1994
Huntington Woods, City of 2002
Kalamazoo, City of 2009
Lansing, City of 2006
Saugatuck Township 2007
Saugatuck, City of 2007
Traverse, City of 2011
Ypsilanti, City of 1997

Minnesota
Minneapolis, City of 1975
St. Paul, City of 1990

Missouri
Clayton, City of 2011
Columbia, City of 2011
Kansas City, City of 2008
Olivette, City of 2011
St. Louis, City of 2010
University City, City of 2005

Montana
Missoula, City of 2010

New York
Albany, City of 2004
Buffalo, City of 2002
Ithaca, City of 2003
New York, City of 2002
Rochester, City of 2001
Suffolk, County of 2001
Tompkins, County of 2005

Ohio
Akron, City of 2009
Bowling Green, City of 2008
Cincinnati, City of 2006
Cleveland, City of 2009
Columbus, City of 2008
Dayton, City of 2007
Oxford, City of 2008
Summit, County of 2009
Toledo, City of 1998
Yellow Springs, Village of 2009

Oregon
Beaverton, City of 2004
Bend, City of 2004
Benton, County of 1998
Corvallis, City of 2007
Hillsboro, City of 2006
Lake Oswego, City of 2005
Lincoln City 2005
Multnomah, County of 2001
Portland, City of 2000
Salem, City of 2002

Pennsylvania
Allentown, City of 2002
Bethlehem, City of 2011
Doylestown, City of 2011
Easton, City of 2006
Erie, County of 2002
Harrisburg, City of 1983
Haverford, Township of 2011
Jenkinstown, Borough of 2011
Lansdowne, Borough of 2006
Lower Marion, Township of 2011
New Hope, Borough of 2002
Newton, Borough of 2011
Philadelphia, City of 2002
Pittsburgh, City of 1997
Scranton, City of 2005
Springfield, Township of 2011
State College, Borough of 2007
Susquehanna, Township of 2011
Swarthmore, City Of 2006
West Chester, Borough of 2006
Whitemarsh, Township of 2011
York, City of 1998

South Carolina
Charleston, City Of 2009
Columbia, City Of 2008
Richland, County Of 2011*

Texas
Austin, City of 2004
Dallas, City of 2002
Dallas, County of 2011
El Paso, City of 2003
Fort Worth, City of 2009

Utah
Alta, City of 2011
Grand, County of 2010
Harrisville, City of 2012
Logan, City of 2010
Park City, City of 2010
Salt Lake, City of 2009
Salt Lake, County of 2010
Summit, County of 2010
West Valley, City of 2010
Midvale, City of 2011
Moab, City of 2011
Murray, City of 2011
Ogden, City of 2011
Taylorsville, City of 2010

Washington
Burien, City of 2005
King, County of 2006
Olympia, City of 2005
Seattle, City of 1986
Tacoma, City of 2002

Wisconsin
Dane, County of 2001
Madison, City of 2000
Milwaukee, City of 2007

West Virginia
Charleston, City of 2007

***The policy does not include private employment.**

ACLU
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Legal Memo on Constitutionality of Nondiscrimination Laws

Constitutionality of State and Local Non-Discrimination Laws
January 13, 2012

This memorandum summarizes the basis and scope of governmental authority to implement laws prohibiting discrimination on the basis of sexual orientation, gender identity, and gender expression. Numerous states, cities, and counties across the United States have successfully implemented such statutes, illustrating that statutory protections for lesbian, gay, bisexual, and transgender people do not infringe on religious freedom or other First Amendment rights, nor has their implementation and enforcement resulted in significant drains on public or private resources.

I. States and Localities Have Authority To Pass and Implement Protections Against Discrimination On the Basis of Sexual Orientation and Gender Identity/Expression

The Supreme Court has repeatedly affirmed the authority of states and localities to prohibit discrimination in employment, housing, and public businesses (also known as public accommodations). For example, in *New York State Club Association v. City of New York*, 487 U.S. 1 (1988), the Court upheld New York City's local law prohibiting discrimination on the basis of sex and other protected characteristics by public accommodations and rejected a challenge by social and service clubs who contended that such a law infringed their rights to expressive association and their religious freedom. Similarly, in *Roberts v. United States Jaycees*, 468 U.S. 609 (1984), the Court upheld a Minnesota statute that banned discrimination in public accommodations on the basis of sex and other protected characteristics, citing the state's compelling interest in eradicating discrimination. The Court reiterated that state civil rights protections, including California's broad statute banning discrimination in public accommodations based on various protected characteristics, are appropriate in service to the state's compelling interest in combating discrimination, despite potential conflict with expressive or associational preferences, in *Board of Directors of Rotary International v. Rotary Club of Duarte*, 481 U.S. 537 (1987).

The Supreme Court has also held that state laws banning discrimination on the basis of sexual orientation "are well within the State's usual power to enact when a legislature has reason to believe that a given group is the target of discrimination, and they do not, as a general matter, violate the First or Fourteenth Amendments." *Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston*, 515 U.S. 557, 572 (1995). Although the Court in ultimately decided against the plaintiff in this case because it found that a parade was so much an expressive act that the First Amendment prohibited application of nondiscrimination laws to force the parade's organizers to accept speakers they did not want to include, this decision affirms that states have authority to prohibit discrimination in public accommodations, including discrimination on the basis of sexual orientation.[1]

[1] *Hurley* also illustrates that states hsave authority to implement anti-discrimination protections that extend to characteristics not already protected under federal anti-discrimination laws. *See also Roberts*, 468 U.S. at 624 (noting that many states instituted laws against racial discrimination prior to the federal government's enactment of equivalent protections on the basis of race); *Romer v. Evans*, 517 U.S. 620, 627-30 (1996) (describing extant Colorado state and local "modern anti-discrimination laws" that prohibited discrimination based on sexual orientation and/or other traits before rejecting on federal equal protection grounds an amendment to state constitution that would have nullified all such state

There is "reason to believe" that lesbian, gay, bisexual, and transgender (LGBT) people are "targets of discrimination" (as the Court noted in *Hurley*) in every state and locality across the United States. Evidence abounds that LGBT people continue to experience discrimination in employment, housing, and public accommodations, among other contexts. For example, a 2011 UCLA report determined that 27% of lesbian, gay, and bisexual people across the United States had experienced some form of sexual orientation discrimination in the workplace in the five years before they were surveyed, including 7% who had lost a job because of their sexual orientation, and that 78% of transgender people across the United States had experienced employment discrimination related to their gender identity in the preceding five years.[2] Another national study found that among transgender and gender non-conforming people, 47% had experienced an adverse job action related to their gender identity, 59% had experienced adverse treatment in an educational setting related to their gender identity, and 44% had been denied service or equal treatment in a public accommodation.[3] Substantial data exists to support legislative findings that LGBT people are currently experiencing discrimination, which in turn form valid bases for legislation prohibiting such discrimination.

Within this general authority recognized by the Supreme Court, localities' specific authority to pass and implement anti-discrimination laws of their own varies by state. In some states, constitutional or statutory provisions regarding "home rule" either explicitly give cities the authority to pass local civil rights laws banning discrimination by employers and other entities within their borders, or have been interpreted to do so. In other states, more explicit state authorization may be required for a locality to pass its own anti-discrimination provisions that are broader than the protections that exist at the state level. Localities must also consider questions of enforcement, as they may or may not have authority to create a private right of action in state court for victims of discrimination to seek redress. In the event that localities cannot create a private right of action, they may instead elect to establish procedures for a Human Rights Commission or similar municipal administrative body to receive and review complaints of discrimination filed pursuant to the anti-discrimination ordinance, and to impose civil fines on entities found in violation. Some localities have chosen to make specific types of discrimination criminal offenses, subject to investigation by the police and prosecution by the district attorney, and punishable by criminal fines.

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and local sexual orientation protections).

[2] Brad Sears and Christy Mallory, Williams Institute, UCLA School of Law, *Documented Evidence of Employment Discrimination & Its Effects on LGBT People* (July 2011), http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-2011.pdf.

[3] Jaime M. Grant et al., National Center for Transgender Equality and National Gay and Lesbian Task Force, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (2011), http://transequality.org/PDFs/NTDS_Report.pdf

II. Entities Regulated By State and Local Anti-Discrimination Laws Retain First Amendment Rights

While the government has broad authority to pass anti-discrimination protections to ensure that residents have access to basic opportunities like housing, employment, and access to public businesses operating within the state or locality free from discrimination, the First Amendment protects individuals' freedom of religion, freedom of speech, and freedom of association. Individuals and organizations that are fundamentally religious or expressive in nature retain these cherished rights in jurisdictions where anti-discrimination laws regulate certain types of commercial activity.

State and local laws that prohibit discrimination regulate certain commercial conduct: for example, decisions about hiring, firing, promotion and treatment of employees in the case of laws against discrimination in employment, decisions regarding the sale or rental of housing and mortgage approval in the case of laws against discrimination in housing, and decisions on whether and how to serve customers in the case of laws against discrimination in public accommodations. Entities choosing to participate in the public marketplace are already subject to various prohibitions on discrimination, and expanding these prohibitions to include discrimination on the basis of sexual orientation and gender identity is consistent with existing First Amendment protections and guarantees.

First, explicit exceptions in anti-discrimination statutes ensure that they only regulate commercial conduct; for example, most laws banning discrimination in housing do not apply to rental of owner-occupied housing with a small number of units, ensuring that no homeowner is penalized for exercising discretion in choosing with whom to share his or her private living space. Moreover, laws prohibiting discrimination in employment typically explicitly exempt religious entities' hiring of individuals to perform overtly religious duties, such as priests, pastors or imams. Because these types of exemptions are already present in federal law as well as the law of many states and localities, using the same exceptions in in bills that prohibit discrimination on the basis of sexual orientation and/or gender identity will maintain the status quo. There is no need for any new or different exceptions for anti-LGBT discrimination.

In addition to raising concerns about religious freedom, some opponents of anti-discrimination laws claim that barring public accommodations from engaging in anti-LGBT discrimination will interfere with private organizations' rights to free speech and freedom of association. This argument too has no merit. The term "public accommodation" is unfamiliar to many Americans. Any business that is open to the general public typically constitutes a public accommodation, although there are slight variations among state and local definitions.[4]

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[4] For example, the federal Civil Rights Act of 1964, codified as amended at 42 U.S.C. §12181, which bans discrimination on the basis of race, religion, or national origin in public accommodations, defines a public accommodation as any of the following whose operations affect commerce:

(A) an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;

(B) a restaurant, bar, or other establishment serving food or drink;

(C) a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;

(D) an auditorium, convention center, lecture hall, or other place of public gathering;

(E) a bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;

(F) a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;

(G) a terminal, depot, or other station used for specified public transportation;

(H) a museum, library, gallery, or other place of public display or collection;

(I) a park, zoo, amusement park, or other place of recreation;

The government's authority to prohibit discrimination by public accommodations is well-established. *See, e.g.*, *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964) (upholding constitutionality of provision in federal Civil Rights Act barring racial discrimination by public accommodations). Public accommodations typically implicate local and/or interstate commerce, and governments have compelling interests in ensuring that all citizens can support their families, travel, and participate freely in public life by utilizing public accommodations, including but not limited to restaurants, grocery stores, gasoline stations, transportation terminals, hotels and motels, medical facilities, parks, and concert halls.

Arguments that such businesses have a constitutional right to discriminate have been raised in the past, and have been routinely rejected by the courts. For example, in *Newman v. Piggie Park Enterprises, Inc.*, the Fourth Circuit Court of Appeals rejected arguments by a South Carolina restaurateur that his chain of drive-in barbecue joints was entitled to refuse service to African-Americans, holding instead that the restaurants were public accommodations subject to the Civil Rights Act prohibition of such discrimination. 377 F.2d 433 (4th Cir. 1967); *aff'd on other grounds*, 390 U.S. 400 (1968). In the *Roberts* and *New York State Club Association* decisions discussed above, the Supreme Court similarly upheld prohibitions on sex discrimination in public accommodations that had been implemented by the State of Minnesota and the City of New York, respectively. 468 U.S. at 617-631 ; 487 U.S. at 10-15.

Unlike a public accommodation that has elected to open its doors to members of the public at large, a private organization with a primarily expressive mission has a constitutional right to exclude participation on the basis of protected characteristics such as race, religion, or sexual orientation, which is not affected by state or local nondiscrimination statutes. In *Hurley*, 515 U.S. 557 (1995), the Supreme Court held that although the annual St. Patrick's Day parade in Boston had originally been sponsored by the City and public in nature, at the time the plaintiff organization brought suit seeking to enjoin its exclusion from the parade, the parade was a private expressive undertaking. Accordingly, the private group organizing it was permitted to choose the message(s) the parade would convey, and could choose to exclude a group whose purpose was to increase visibility and acceptance of gay, lesbian, and bisexual individuals within the Irish-American community in Boston. Similarly, in *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000), the Supreme Court found the Boy Scouts of America to be a private entity that had expressive goals and was entitled to exclude openly gay individuals based on its belief that homosexuality was inconsistent with the messages the organization sought to convey. Unlike the restaurants in *Piggie Park Enterprises*, the Boy Scouts of America in *Dale* and the veterans' organization in *Hurley* were not primarily engaged in a commercial enterprise, and accordingly their activities were afforded more First Amendment deference. The *Hurley* and *Dale* decisions illustrate that private expressive activity retains First Amendment protections in jurisdictions where prohibitions on sexual orientation discrimination in public accommodations take effect.

(J) a nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;

(K) a day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and

(L) a gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

Although private expressive groups should not be denied the ability to exclude individuals who might impair their message, barring public accommodations—private businesses that are open to the public at large—from discriminating against potential customers or employees is well within the scope of governmental authority. *See, e.g.*, *Newman v. Piggie Park Enterprises*, 377 F.2d 433 (4th Cir. 1967); *aff'd on other grounds*, 390 U.S. 400 (1968).

III. Prohibitions on Sexual Orientation and Gender Identity Discrimination Have Been Successfully Implemented Throughout Much of the United States

Finally, it is worth noting that anti-discrimination laws that prohibit adverse treatment on the basis of sexual orientation and/or gender identity already cover much of the population of the United States. The numerous states and localities that have already implemented such provisions have done so successfully, without inundation by litigation and without infringement on private expressive and religious activities.

As of December 2011, sixteen states and the District of Columbia have passed statutes prohibiting discrimination against lesbian, gay, bisexual, and transgender people in the contexts of employment, housing, public accommodations, and/or education.[5] In addition, at least 136 cities, towns, and counties—ranging from New York City and San Francisco to Louisville, Missoula, Council Bluffs, Grand Rapids, Akron, and Allentown—have passed equivalent local ordinances.

None of these statutes and ordinances has resulted in the paralyzing volume of complaints that opponents claim to fear when such protections are proposed. Instead, complaints are filed at a steady but small rate, illustrating that these forms of discrimination are real and current problems but that investigation and enforcement activities will not place a major burden on either the responsible government agency or regulated entities. An analysis of employment discrimination complaints received by state enforcement agencies between 2003 and 2007 found that such complaints were filed at an average rate of 2.8 per ten thousand lesbian, gay, or bisexual employees of state government, 3.2 per ten thousand lesbian, gay, or bisexual employees in local government, and 4.1 per ten thousand lesbian, gay, or bisexual employees in the private sector.[6] These rates are similar or lower than the average ratio of sex discrimination complaints and race discrimination complaints to female employees and employees of color, respectively. Gender identity discrimination complaints are filed even less frequently.[7] Evidence from jurisdictions that already provide the protections disproves contentions that anti-discrimination laws covering LGBT people will result in extensive controversy and litigation.

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[5] These states are California, Colorado, Connecticut, Hawaii, Illinois, Iowa, Maine, Massachusetts (law passed in November 2011 and will take effect July 1, 2012), Minnesota, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington.

[6] Brad Sears and Christy Mallory, Williams Institute, UCLA School of Law, *Evidence of Employment Discrimination on the Basis of Sexual Orientation in State and Local Government: Complaints Filed with State Enforcement Agencies 2003-2007* (July 2011), http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-DiscriminationComplaintsReport-July-2011.pdf, at 1-2. In most states, filing such a complaint and receiving a favorable decision from the state agency is a prerequisite to filing a lawsuit under anti-discrimination laws, such that the numbers of suits alleging sexual orientation discrimination are even smaller than the number of administrative complaints filed.

[7] *See id.*, 3 (noting very small numbers of complaints to state agencies alleging gender identity discrimination in employment); Minnesota Department of Human Rights, *How Minnesota Protects Gender Identity: When Gender and Gender Identity Are Not the Same* (Nov. 2006), http://www.humanrights.state.mn.us/education/articles/rs06_4gender_protections.html (noting that from statute's passage in 1993 to 2005, the state received a total of 47 complaints of gender identity discrimination in employment, housing, public accommodations, public education, or business and credit).

In summary, anti-discrimination laws that protect lesbian, gay, bisexual, and transgender people allow balancing of states and localities' compelling interest in eradicating historical discrimination in such areas as employment, housing, and public accommodations access with the rights of individuals and private organizations to free expression, free association, and free exercise of religion. Numerous states and localities have already implemented such laws without incident, demonstrating that they are both practically feasible and constitutional.

HUMAN RIGHTS CAMPAIGN GREENBERG QUINLAN ROSNER RESEARCH

August 9, 2011

Support for Equality in Nebraska

To: Interested Parties

From: The Human Rights Campaign
Greenberg Quinlan Rosner Research

A recent survey of 616 adults in Nebraska shows broad support for expanding legal protections for the LGBT (lesbian, gay, bisexual and transgender) community in this deeply conservative state. On questions ranging from employment discrimination, to adoption, to anti-bullying legislation, to establishing domestic partnerships for same-sex couples, impressive majorities of Nebraska residents are committed to changing laws to increase equality for gay, lesbian, bisexual transgender people across the state. Indeed, the state is well ahead of Nebraska politicians on these issues.

But even more impressive is the growing social equality of the LGBT community. At one time, this community was defined by media-driven stereotypes. It is now defined by gay neighbors, gay co-workers, gay friends, and gay relatives. A 60 percent majority of the state know at least one gay or lesbian person. Not only do huge majorities of Nebraska residents believe they could be close friends with a gay man or lesbian, but a majority would not be bothered if one of their children or grandchildren turned out to be gay.

As is the case with the rest of the country, Nebraska has not fully embraced the equality of the LGBT community. There is still work to do. A majority oppose marriage equality in this state and reactions to gay and lesbian people in general are mixed. But the state, like the country, has changed.

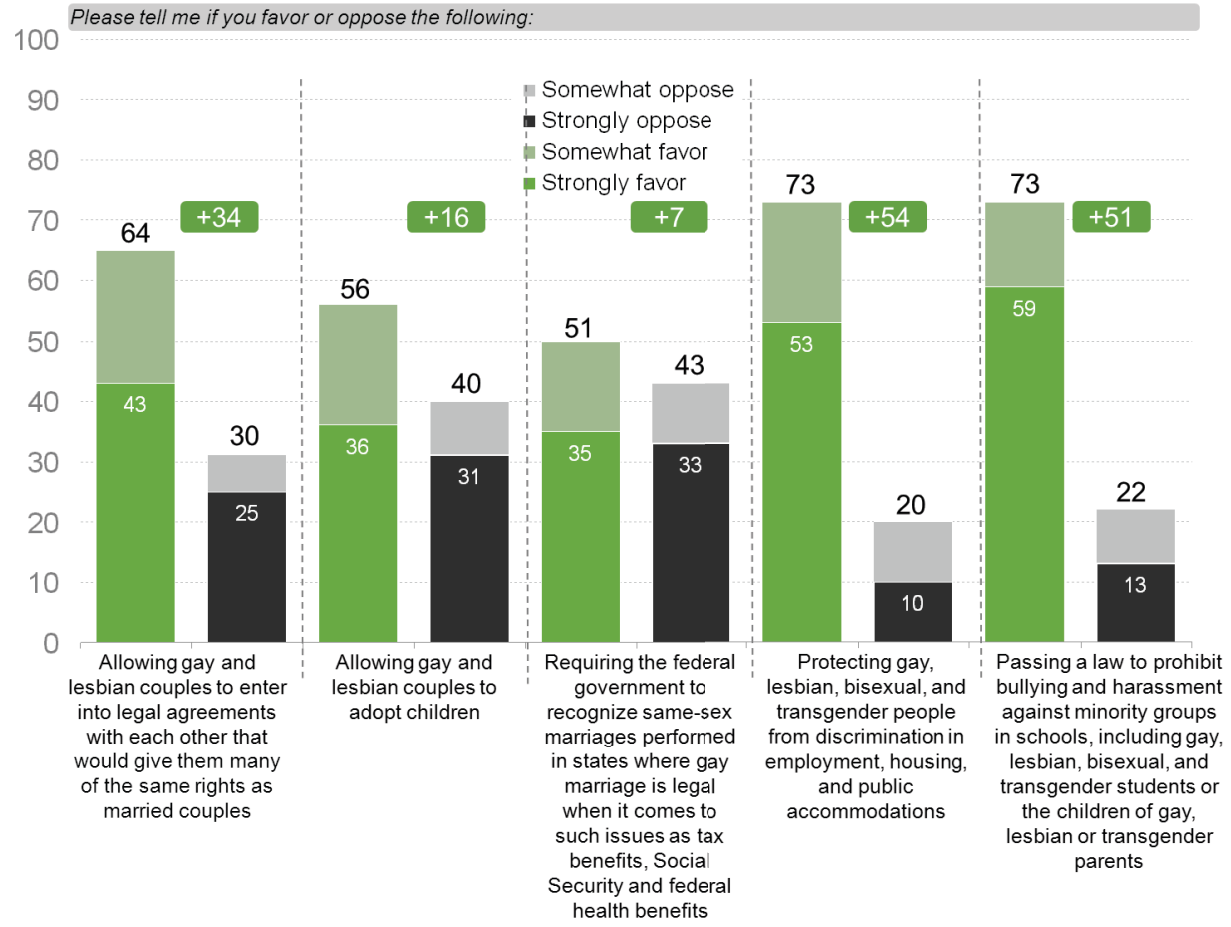
This memorandum summarizes the results of a survey of 616 Nebraska adults taken between August 2 and 4, 2011 with an oversample of 200 adults in the city of Omaha. The total sample in the city of Omaha stands at 300 counting both the base sample and oversample. The survey was commissioned by the Human Rights Campaign and executed by Greenberg Quinlan Rosner Research. It carries on margin of error of +/- 4.00 at a 95 percent confidence level.

Main Findings

Nebraska residents strongly support basic civil rights protections for lesbian, gay, bisexual and transgender people.

- A 73 percent majority of Nebraska residents recognize discrimination is a problem in our country and 32 percent describe it as a major problem.
- In the state of Nebraska, as is the case in 29 other states, it is perfectly legal to fire someone for being gay. This reality does not sit well with Nebraska residents, as 73 support protecting gay, lesbian, bisexual and transgender people from discrimination in employment, housing and public accommodations.
- In the city of Omaha, which is currently debating a city ordinance banning employment discrimination, support increases to 78 percent.
- Nebraskans strongly support laws prohibiting bullying, a majority support allowing gay or lesbian couples to adopt children and support domestic partnerships that confer many of the rights and protections of marriage to same-sex couples.

Figure 1: Support for Civil Rights Protections



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Nebraska is in a different place when it comes to marriage equality.

- In HRC's national survey, 51 percent supported allowing gay and lesbian couples to marry legally, one of three surveys taken this year showing a pro-marriage majority. In Nebraska, however, residents oppose marriage by a 51 to 42 percent margin.
- However, younger residents support marriage equality 73 to 25 percent. Support reaches a 58 percent majority among women under 50 and 54 percent among people who know at least one gay or lesbian person.
- A 76 percent majority believe same-sex marriage will eventually be legal and 49 percent believe it will be legal within the next ten years.

Legal equality springs from the growing social equality in the state.

- A 60 percent majority of Nebraska residents know a gay or lesbian individual, 70 percent in Omaha.
- A 69 percent majority of Nebraska men say they could be "close friends" with a gay man and 76 percent of Nebraska women could be close friends with a lesbian.
- A third (33 percent) of Nebraska residents describe themselves as "more accepting" of lesbian, gay, bisexual and transgender people over the last five to ten years, only 9 percent are less accepting. Among Republicans, 33 percent are more accepting, just 13 percent less accepting.
- Perhaps most strikingly, 56 percent say they would not be bothered if one of their children or grandchildren turnout to be gay, including 64 percent of Catholic voters, 67 percent among people who know someone gay or lesbian, 57 percent among women over 50 and even 42 percent among Republicans.

Conclusion

The support we see for expanding legal protections for the LGBT community reflects a state trying to be fair and humane to people they know: their friends, their neighbors, their coworkers. It is important to recognize that much work remains to be done in this state. A majority opposes marriage equality; it is still legal, even in Omaha, to fire someone for being gay. The support we see for gay and lesbian people does not always equate to similar levels of support for bisexual of transgender people. However, the state of Nebraska, like the country as a whole, has come a long way.

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Stories of Discrimination & Need for the Fairness Ordinance

Suzanne

In 1981, my father was a member of the Lincoln City Council. One of its members proposed a human rights ordinance, which would include "sexual orientation" as a protected class for the city of Lincoln.

I had just discovered a year earlier that I was gay. I "came out" to my parents, in order to let my father know that if he voted against this ordinance, he would be voting against me as a gay woman.

The city council voted to make the ordinance one in which the entire city of Lincoln would vote for or against it. This was 1981, and the good citizens of Lincoln voted overwhelming AGAINST making this human rights ordinance a law.

Now, over 30 years later, the wheels of justice are grinding ever so slowly in the city of Lincoln. We, again, have the chance to make fairness and human rights a matter of public law. This time around, let's do the right thing.

My father and mother are no longer alive to witness how Lincoln, after 30 years, might possibly become one of the fairest cities in the nation. If it does, I think they would be pleased, for, despite their Republican leanings, they both supported fairness in all of its forms.

Bill

Reading comments regarding the Fairness Ordinance article on the Journal-Star, I saw one of the writer ask why we needed the ordinance when there are no statistics on discrimination in the workplace to justify the need for the ordinance. There are no statistics because GBLT workers had/have no recourse. I heard multiple times of cases where GBLT workers have been harassed/bullied by coworkers, supervisors, managers, etc for no other reason than their sexual orientation.

12 years ago, after working for the same department on the UNL campus, two co-workers fabricated a story in an attempt to force me from the position I held. None of the allegations had anything to do with my job performance whatsoever, nor was there any truth to the allegations. I was suspended from my managerial position. I was given the option to resign from my position to avoid an investigation accusing me of sexual harassment of a subordinate [someone who was also upset by the allegations because they weren't true and he wasn't a party to the fabrication]. I wasn't 'out' at the time and was forced 'out'.

I was on suspension for two weeks and was offered a position with another department. The director of the knew department knew of the entire allegation, and for that matter is the first person I really came out to.

The terms for me transferring from one department to the other was the Vice-Chancellor over the Police Department had to approve. He refused to allow the transfer, refusing to lose me from his division. [In retrospect, that made me fight for my job.

This was at the University of Nebraska. They have had a inclusive non-discrimination policy for years. I do believe they are supportive at the Administrative level, but at times departments on campus are not closely monitored.

All that being said, I had an inclusive non-discrimination policy there to protect me. I can't think of 2 weeks in my life that were worse. The only thing worse that I can imagine under the circumstances is what if I had worked in the private sector of Lincoln or even another government agency that didn't have the same anti-discrimination policy.

David

This story is not about my own experience of discrimination. Rather, it is about the continuing loss of your creative, educated young adults.

I live in New England now, but my origins were in Lincoln. I graduated from Southeast. My parents graduated from Lincoln High (as did my husband's mother). I left Lincoln in 1970 and never looked back. I understood back then that there was not going to be a life for me in Lincoln. I don't even visit except for the most important family events: births, weddings, or funerals. When I do return with my husband and our daughter, I am very aware of the unspoken message LGBT youth receive when they meet us. It gets better, if you leave.

Laws do more than proscribe behavior. They also send messages. Nebraska's anti-gay constitution sends a message. I get the message that I don't belong in Nebraska. If Lincoln joins Omaha and passes the Fairness Ordinance gay folk will get the message that there just might be a place for people like us in two particular parts of Nebraska.

Patrick

I hear people ask why there needs to even be an ordinance for such protections and the first thing that comes to mind is “are you flipping kidding me”.

I’m gay, I’ve always known I was gay from day one literally. I grew up in western Nebraska a rancher’s son and I remember always having an appreciation for the same sex and wrangler jeans (that’s who I am folks). But I also remember riding in town with my father and his reminding me from time to time to watch out for that guy he’s a queer or stay away from that house a queer lives there. A constant reminder then that I was not to feel the way I did and that it was unacceptable.

Moving forward a few years, and at the age of 21 I was still successfully hiding my identity after a few “girlfriends” (poor ladies, thank you for being unknowing participants in my cover up). I had decided to go into the military, which I did proudly and served with honor and distinction for 8 years plus a few more years in the guard. Again I wish to thank the ladies who helped me unknowingly hide my identity and again I’m sorry for any heart break.

I am now 45 and have been working with a wonderful company for the last 14 years that fully supports and provides same sex or gay benefits and always has. However, this still did not keep me from hiding my identity all these years for one simple reason. I was on a mission to be the best I could be and to get promoted / recognized based on my work performance. I wanted my success to go unhindered by other people's objectivity and opinions of who I choose to go home to or what I do in my private life. I have been very successful as such an individual in hiding all this time in every way but one, being true to myself.

For years my attitudes has been one of work first, myself and my identity second, this has taken its toll on me in both physical and mental ways that I deeply regret. My health was taking its beating because I had been always internalizing my stress over who I was and what people would think. This was consequently making life harder on myself than it needed to be in order to keep my persona in place. My blood pressure had gone through the roof and other issues began to appear physically due to the internal stresses involved for such a long period of time. My attitude was beginning to worsen and I was starting see mostly negative in everything and depression was setting in. Which was unusual because I'm normally referred to as being such a nice guy and very helpful.

I have only been out for the last 3 years and even then only to my family the last year and a half and people I work with for maybe the last year. I couldn't even tell my mother or grandparents before they passed on because I was worried how they would feel or how others would treat them. I also didn't want to be the house or person that people drove by stating that a queer lives there. I don't go around shouting openly to anyone "Hey world im gay!", at work or in my private life unless I choose to share it. If you ask I will tell you if I feel it's appropriate, but I'm not going to flaunt it and I'm sure that is not the point that other gay citizens will want to do either in the work place. There are only a few people who know about me that I work with, and I can tell you that since I am now finding inner peace with myself personally and especially at work around others, I am much happier, smile more often and feel much more relaxed. Im finding my sense of normal that has been hidden for years literally over the prejudices of others and the preconception of possible dangers for being revealed as gay both at work and at home. My health is leaps and bounds better and life is wonderful beyond belief because I am happy at work and others are more comfortable around me at work because a positive change has happened that is benefitting everyone. The conversations come much easier and the laughs as well, the tension is gone and coworkers are very respectful and supportive without a big deal being made.

My point was not to make this a confession but to stress that life as an LGBT person has enough of its own worries without having to worry about making a living without being fired for something that comes naturally. We as LGBT exist everywhere now, and you may not know it. We exist in the workplace listening to sometimes demeaning comments or the exploits of last night and play along not being able to share, but to cope and absorb, to play along with. Its time to bring this ordinance to fruition in order to grow the workplace community as an honest and open community, and create healthy, stress free, productive workplaces for all individuals gay or straight. While in the process of showing the world Lincoln is a fair and respectable community for human rights and equality. That Lincoln is a place where businesses want to come to and share in the growth of an already wonderful

community. Trust me it's a much healthier work environment when everyone is happy and free to exist equally.

Shannon

I have personally experienced harassment and hostile work environments due to my sexual orientation, all while knowing there is nothing in place to offer me any real protection. As a Master's level Social Worker, I have dedicated both my education and career path to helping others and to making this community a better place. The Fairness Ordinance would not only relieve stress for workers who are not protected from discrimination due being a member of the LGBT community, it would also encourage new fair-minded businesses and individuals to make Lincoln their home. Additionally, I would be even more proud to live and work in Lincoln if there was recognition of the worth and value of ALL workers.

Lucky

I am lucky to have had the opportunity to work with progressive employers who see the need to protect all classes of citizens. My employer even goes as far as to encourage diversity in the workplace by actively seeking different people and perspectives for employment. I am openly gay at my place of employment and it has not once come up in discussion or been a point of concern among my coworkers. In fact, another woman in the office recently married her partner of 25 years. To her, and my own surprise, she was welcomed back to the office from her honeymoon with a card, a cake and warm cheers all around. Her and her partner have since been seen at work parties and events. They continue to be an active and important members of our work family.

The reality is that these things don't matter. They are points of individual identity that make us who we are. These individualities are what others celebrate when we receive awards or pass major milestones in our personal lives. My employer places high standards for our conduct in the office. My rating is based on my performance and drive. I am encouraged to take on challenges and then given support to meet those challenges. The company culture is one of friendly competition and mutual respect. I am so lucky to work in a place where I can be completely accepted and judge based on my performance rather than who I spend my time with outside of the office.

Though I have not seen the ugly face of discrimination, I wanted to share my story because the Fairness Ordinance is not about human rights or religious freedoms. It is about giving Lincolnites the opportunity to be judged by the work habits and skills not by their individual identity. Diversity should be celebrated, not condemned or shuttered. Everyone in Lincoln deserves to be respected at work and I am very blessed to have experienced this in my life.

Anonymous

I experienced very little discrimination as I transitioned in Nebraska, and I know that my case was neither common nor typical, but it was quite open and with that openness came a lot of fear - fear for my personal safety and fear for my future job prospects. And for those of us who have chosen to live our lives outside the label "transgender", that fear is big

and real. The fear of our past medical history being "found out" and then used as a reason to not hire us, or to fire us, or to hurt us physically. There are many people like myself in Lincoln. Most are watching and hoping that this ordinance passes.

Janette

I am a Transsexual woman. I started living full time on jan 1st of 2011, 2 days later I had my name changed, and the day after that I started back at the job I had been working at for 4 years, "A busy downtown convenience store".

Literally thousands of people knew me, many of them knew my name, So I had to come out to a lot of people, and try to explain what I was doing, Coming out gets easier after four or five hundred times.

The company I worked for was supportive, on the surface at the corporate level, But my boss thought it was ok to make jokes about me, and wouldn't allow me to stand up for myself. My co-workers took it upon themselves to out me to everyone they could, without my consent, and treat me as if it were some sort of joke.

As for the people of Lincoln, I had a few supporters, from the gay community, and a few very open minded people. The rest of the people I dealt with treated me as if I were a freak, some called me names "He-she" "Tranny" etc. To some I was just invisible, many just didn't come back in the store. This was all a daily event for me.

Then some fool took it upon himself to out me on craigslist in the "Missed connections" section. He titled it "Tranny at the busy gas station by the capitol". :(What could I do? That pretty much narrowed it down to me. I heard about the ad from a lot of different people, and suddenly late at night when I was working alone the store was full of creepy guys just waiting for a chance to talk to me privately. To tell me what they wanted to do to me. I became very uncomfortable.

Gender identity disorder is about gender and identity, not about sex, it doesn't make someone a hooker. I was eventually sexually assaulted at work while on a break.

I couldn't take it any longer, I needed to come out of this transition with some sort of self respect left, so I moved to Los Angeles. II am happy, I fit right in and I haven't heard one hateful comment in 9 months.

I miss Lincoln a lot, I wish things would have worked out differently. I was born there, and lived there 36 years. I hope things change there, so the next person who transitions or comes out can do it without having a bunch of ignorant hate thrown at them.

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Monday, May 07, 2012 9:13 AM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Tim Rinne
Address: 605 N. 26th Street
City: Lincoln, NE 68503

Phone: 402-475-7616
Fax:
Email: walterinne@gmail.com

Comment or Question:
Dear Lincoln City Council Members,

Nebraskans for Peace, the oldest statewide Peace & Justice organization in the entire country, urges you to support the Fairness Ordinance to protect the human rights of all Lincoln citizens. To do less is unjust.

Tim Rinne
State Coordinator
Nebraskans for Peace

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Monday, May 07, 2012 10:02 AM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Perry & Kathy Demma
Address: 207 S 9
City: Lincoln, NE 68508

Phone: 4024754060
Fax: 4024751800
Email: demmatax1@windstream.net

Comment or Question:
FAIRNESS ORDINANCE
We are opposed to your proposed ordinance. There exists today protective laws for such discrimination. What you are suggesting is to trample the rights of the majority of Lincoln citizens to enhance something that is not broken. If you vote yes for this ordinance your discrimination towards generally accepted Christian teaching will be remembered.
Perry L Demma and Katheryn A Demma

Mary M. Meyer

From: Teri Hlava [teri_hlava@yahoo.com]
Sent: Monday, May 07, 2012 10:13 AM
To: Council Packet
Subject: I support the proposed ordinance to ban discrimination - hearing this afternoon

Dear Council Members,
I fully support the ordinance proposed that would ban discrimination of gays and lesbians (GLTG) in housing and employment.
This pro-active protection is a matter of civil rights. It will not prevent discrimination, but it will cause people to take notice of fairness, protection, caring, compassion, and justice.

This ordinance is not concerned with personal beliefs of what is religious, nor should the city oppose an ordinance because specific churches consider it sinful according to the way their doctrine interprets the Bible, etc.

Sincerely,
Teri Hlava
Lincoln, NE

Telephone Messages 05.07.12

1. Nancy. Against passing the anti discrimination ordinance.
2. Tom Dirks, do not pass the Fairness Ordinance.
3. Amber Parker. Against the Fairness Ordinance.
4. Sheila Collins. Against the Fairness Ordinance.
5. Amy Birky. In support of the Fairness Ordinance.
6. Jim Lockwood. Reject the Fairness Ordinance.
7. Gretchen and Kyle Garrison. Against the Fairness Ordinance.
8. Bill Kollar. Against the Fairness Ordinance.
9. Minette Genuchi. For the Fairness Ordinance.

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Monday, May 07, 2012 10:33 AM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Charlotte Ralston
Address: 12105 West O St
City: Lincoln, NE 68528

Phone:
Fax:
Email:

Comment or Question:
Dear Council members,
I ask you to reconsider the majority vote in favor of the Fairness ordinance because of all the implications and unintended consequences that this law will open up.
Special interests given to special groups always result in less freedom for everyone else. Special exemptions given on such special interests also discriminate against those who do not get the special exemptions. The only fair way to treat people is to treat them all the same. You are not treating us all the same when you give one group special rights and another group special exemptions.

An example? The teenage boy who now claims to be a girl, has access to the girls rooms, and now my daughter has "less freedom and protection" under the law. How does this young man "prove" his claims to be a girl? What happens when he changes his mind a year later? Is he still a female under the law, or is he a male again? Can he change his mind daily? Exactly what does the ordinance do to protect the privacy rights of the girls?

Sincerely,
Charlotte Ralston

Mary M. Meyer

From: Warren Barnell [wbarnell@windstream.net]
Sent: Monday, May 07, 2012 9:29 AM
To: Council Packet
Subject: City Ordinance on Sexual Orientation

Dear City Councilmen :

I am extremely concerned about the potential ramification so the city ordinance on sexual orientation that is being considered by the city council for adoption.

As a former school administrator, I see that this ordinance would put school officials in a very difficult, if not impossible, situation in protecting the rights, privacy, and safety of their students. This ordinance would also create situations for employers that would make it extremely difficult to hire the most qualified applicant.

We already have laws against discrimination that protect individual rights. Creating protected classes promotes discrimination and violates the rights of those not in the protected class.

I believe that you have the best interest of the citizens of Lincoln at heart. Please consider very carefully the potential impact of this ordinance on the rights and safety of Lincoln citizens of all ages.

I will be extremely disappointed if you support this ordinance and will be forced to reflect my belief that you have the best interest of me, my family, and all the citizens of Lincoln at heart.

Sincerely yours,

Warren Barnell

3030 Browning

Lincoln, NE

Mary M. Meyer

From: Jomac [jmachmer@neb.rr.com]
Sent: Thursday, May 03, 2012 10:15 PM
To: Council Packet
Subject: Fairness

It's not about tolerance. It's about fairness. Please vote yes.

JoMac

It's almost Friday!!!!!!!!!!

Mary M. Meyer

From: Jon Zvolanek [jon.zvolanek@gmail.com]
Sent: Sunday, May 06, 2012 1:02 PM
To: Council Packet

May 6, 2912

Lincoln City Council,

I want to write to encourage you not support the Fairness Ordinance as it is currently written when it appears before the Lincoln City Council. I do not wish to make sexual orientation a protected class.
If you feel that you must vote for this, then the only option for those who are opposed to this based on religious grounds, is to put in a religion based exception. Failure to do so would put many at odds with their Christian Teachings much like Obama Care had to put in an exception for religion based organizations.

The State Attorney General nor the City Attorney General can agree on the ordinance….

Attorney General Jon Bruning released an opinion today stating cities, like Lincoln and Omaha, do not have the ability to expand upon the state's definition of discrimination.

"Nebraska statutes do not authorize political subdivisions in Nebraska including municipalities. Cities have no authority to expand protected classifications to include sexual orientation," said Bruning.

Regards,

Jon O. Zvolanek

6946 Ash Hollow Lane

Lincoln, NE 68516

402.770.1080

jon.zvolanek@gmail.com

OVERNIGHT VOICE MAIL OF 05.03.12

1. Kurt Meyer, against the Fairness Ordinance.

2. Greg Swanson, do not pass the Fairness Ordinance. Giving privilege to few.

F:\FILES\CITYCOUN\Council Info\OVERNIGHT VOICE MAIL1.wpd

MUCH MORE THAN A PARK

While the ancient Greeks were not the Romans and the ancient Romans were not the Founders of our country, there are things which tie us together. Rituals and spaces which join us in our common belief that people can rule themselves. This belief is not universal across our planet. Across the globe and across time this belief is constantly challenged by authoritarianism or technocracy. Here in our great capital, named for our great saint of liberty, we protect and nurture this belief. All members of this body believe in self-government, all members of this body would fight for it, so I ask you all to consider if the recent proposal concerning Centennial Mall is in the best interest of self-government.

In the land of ancient Greece, the people gathered to decide how best to protect their city. These people met in the Agora. "Nowhere is the history of Athens so richly illustrated as in the Agora, the marketplace that was the focal point of public life." In the Agora, the men whose words would be the inspiration for our current government met and discussed ideas. Those discussions clarified their arguments and strengthened their theories. The Agora was public place, maintained by the public because it benefited the public.

In Rome, before the rise of emperors, they called their space the Forum. At the Forum, leaders great and small were expected to rise and address the citizens. For on this ground, the wisdom of their ideas was examined by their masses. It is worth noting; when the Roman emperors rose and took power from the Senate, the forum was seen a waste of precious land within the city. The new emperors replaced the Forum with buildings for the new imperial bureaucracy.

When the first colonists came to our country, they built town squares. Before Thomas Jefferson, John Adams, and Ben Franklin entered the Independence Hall to sign the Declaration of Independence, they crossed and may have stopped briefly in the town square in front of the building. We can never know exactly, what words might have been exchanged there and how those words might affect us even today. We now hold that ground sacred as a national treasure. Independence Square is a beacon of freedom to the entire world as a World Heritage Site.

In Lincoln, we have the Centennial Mall. It is well described by necentennialmall.org-

"Nebraska's Centennial Mall is more than just Lincoln. It's Nebraska's front door to the State Capitol, home to our Unicameral. It's where 35,000 school children visit each year to learn about their state. And it is the front door to the University of Nebraska, our state's oldest and largest university system and the cultural and intellectual hub of the state."

It is not a park. No park holds this much meaning. We don't bring our young children, the leaders of tomorrow, to a park and say this is America. From this spot, you can see the building in which our best men and women decide which laws will best protect our state.

For the past six months, Centennial Mall has been a space for constant protest. Beyond the merits of that particular protest, the place of protest is important. The place where we gather connects to those who have gathered in the past. It connects us with those who will gather in future. I implore you to consider how this space is different. I suggest that any changes in it status should be more than to modify Centennial Mall into one more city park. It is a special place. If the Centennial Mall needs new rules, then those rules should recognize its uniqueness. The new laws must be crafted to protect it.

I trust that council members will write and pass laws with our ideals in mind. For we all are just part of the story, merely caretakers of the flame of liberty, with God's protection, we pray it may never be extinguished.

By: Robert Way

801 El Avado Ave

Lincoln, NE

402-304-4100

Mary M. Meyer

From: William Carver [williamc@neb.rr.com]
Sent: Friday, May 04, 2012 9:55 AM
To: Council Packet
Subject: City Funds and Local Banks

Dear City Council Members,

Lincoln has long been home to many local banks, savings & loans, and credit unions. These institutions have a long history of both corporate and community responsibility. Dollars invested in these local businesses tend to stay in the community and their deep connections provide insight into the charitable and philanthropic needs of the community. When local banks are used, our community benefits not only from increasing business within our local economy, but also from the philanthropy and community investments that these local institutions provide. Because of this, the Near South Neighborhood Association Board of Directors supports City policies that encourage the use of local financial institutions when the City conducts business. After discussion at our March 12, 2012 meeting, the NSNA Board of Directors voted to send this letter urging the City Council to adopt policies and practices that make use of local financial institutions – including the transfer of existing city balances into local financial institutions. The board continues to believe that investment in local business pays off in increased benefits throughout the community.

Sincerely,

Near South Neighborhood Association Board of Directors

Mary M. Meyer

From: dkhueser [dkhueser@earthlink.net]
Sent: Friday, May 04, 2012 10:43 AM
To: Council Packet
Subject: Fair Ordinance Advocate

Importance: High

Dear City Council Members,

I live on the Clinton Neighborhood of Lincoln and am writing in support of the Fairness Ordinance which is a very needed addition for Lincoln, NE. The Fairness Ordinance ensures that people will be judged based on their ability to do their job, not who they are. The most productive employers and employees in our society value open, diverse workplaces where discrimination of any type is not tolerated and creativity is encouraged. In these fiscally trying times, efforts that further our economic development as a city should be encouraged. It is the "Right" thing to do for Lincoln and all citizens.

Thank you for your consideration and approval of the Fairness Ordinance.

Regards,

Kathleen M. Hueser

Kathleen M. Hueser Ph.D., MCC
dkhueser@earthlink.net

H 402-904-4332
1245 N 26th St
Lincoln, NE 68503

"People will forget what you said, People will forget what you did. But people will never forget how you made them feel." Malcom Forbes

Consider the environment before printing this e-mail.

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Friday, May 04, 2012 12:34 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Ann Suyker
Address: 3840 J Street
City: Lincoln, NE 68510

Phone: 402-475-5867
Fax:
Email: thesuykers@gmail.com

Comment or Question:
Both my husband and I strongly oppose the "Fairness" Ordinance and ask that each member vote against it.

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 402-441-7511

DATE: May 4, 2012
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 402-441-7831

Mayor Chris Beutler, City Council member Carl Eskridge and City Attorney Rod Confer will respond to the Attorney General's opinion on the proposed Fairness Ordinance at a news conference at **1:30 p.m. TODAY, Friday, May 4** in **Room 303, third floor of the County-City Building, 555 S. 10th St.**

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 402-441-7511

FOR IMMEDIATE RELEASE: May 4, 2012
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 402-441-7831
Rod Confer, City Attorney, 402-441-7281

CITY TO PROCEED WITH FAIRNESS ORDINANCE

Mayor Chris Beutler said he strongly disagrees with a Nebraska Attorney General's opinion on the City's proposed Fairness Ordinance, and that the City will move forward as planned.
The Fairness Ordinance, introduced Monday by City Council member Carl Eskridge, would protect gay, lesbian, bisexual and transgendered individuals from discrimination in the workplace, in housing and in public accommodations. The Attorney General's opinion states that cities cannot enact such legislation without a change in State law or without a public vote to change the City Charter.

"The opinion is just that – an opinion. It has no binding effect on the City," Beutler said. "I can think of no reason to stop moving forward with this ordinance, and I can think of many reasons to get this protection on the books. As others have pointed out, this is not just a matter of justice, it's also an economic development issue and a quality of life issue."

The Council will have a public hearing on the ordinance at its meeting Monday, May 7 and is scheduled to take a vote Monday May 14.

"The basic issue here is fairness," Mayor Beutler said. "No one should live in fear of losing a job or housing because of sexual orientation or gender identity. Lincoln is the Capital City of Nebraska -- a state whose motto is 'equality before the law.' It's time to make those words ring true for everyone in our community. The bottom line is that we cannot claim to be an inclusive society if we allow discriminatory practices against these citizens. Everyone deserves to be respected."

- 30 -

Date: May 4, 2012
Contact: Diane Gonzolas, Citizen Information Center, 402-441-7831

Mayor Beutler's Public Schedule
Week of May 5 through 11
Schedule subject to change

Saturday, May 5
- Mayor's Run, remarks - 7:30 a.m. State Capitol

Sunday, May 6
- Lincoln Marathon, remarks and start race - 6:45 a.m., near 14th and Vine streets
- Installation of new pastor and reception, remarks (at reception) - 9 a.m. service, 10 a.m. reception, Grace Lutheran Church, 22nd and Washington streets

Monday, May 7
- International visitors from Canada - 1:30 p.m., Mayor's Conference Room, County-City Building, 555 S. 10th St.
- Cabela's ribbon-cutting and grand opening, remarks - 3 p.m., 4800 N.W. 1st Street, basement auditorium in new addition

Tuesday, May 8
- Mayor's Multicultural Advisory Committee - 4 p.m., Mayor's Conference Room

CITY OF LINCOLN
NEBRASKA

NEWS RELEASE

MAYOR CHRIS BEUTLER

lincoln.ne.gov

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
3140 "N" Street, Lincoln, NE 68510, 402-441-8000

FOR IMMEDIATE RELEASE: May 4, 2012
FOR MORE INFORMATION: Chris Schroeder, Air Quality Supervisor, 402-441-6272

LINCOLN ONE OF CLEANEST METROS IN NATION FOR OZONE

Lincoln has been ranked as one of the cleanest metropolitan areas in the country for ozone, according to a new report from the American Lung Association. The rankings are based in part on the Air Quality Index developed by the U.S. Environmental Protection Agency (EPA) to alert the public to daily unhealthy air conditions.

The annual "State of the Air 2012" report used data collected by the Lincoln-Lancaster County Health Department (LLCHD) for the two most widespread types of air pollution – ozone (smog) and particle pollution (soot). The Lung Association gave Lincoln grades of A for ozone, B for short-term particle pollution and "pass" for annual particle pollution.

Scott Holmes, Manager of LLCHD's Environmental Health Division, said EPA regulations on vehicles, industries and businesses have reduced air pollution, especially nitrous oxides and volatile organic compounds that combine to create ozone.

"The City and businesses have worked collaboratively to improve air quality and assure our residents that their air is safe to breathe," Holmes said. "Federal grant money was used to reduce pollution from older diesel trucks, buses and heavy equipment used by the City, the Lincoln and Norris school districts and trucking companies. Alternative power units were installed on eight BNSF Railway switch engines, reducing pollution by nearly 50 percent."

The American Lung Association reports that more than 40 percent of people in the U.S. live in areas where air pollution can cause wheezing and coughing, asthma attacks, heart attacks and premature death.

The LLCHD recommends the following action to reduce air pollution:

- Drive less. Combine trips, walk, bike, carpool and use buses.
- Keep your car well-maintained and tires properly inflated.
- Buy electric-powered lawn and garden equipment.
- Use less electricity by turning off lights and using energy-efficient appliances.
- Don’t burn wood or trash.

More information is available at lincoln.ne.gov (keyword: air).

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NOTICE OF ADVISORY BOARD MEETING

TO:	Parks and Recreation Advisory Board, Mayor, City Council, City Clerk, Media
FROM:	Lynn Johnson, Director, Lincoln Parks & Recreation Department
MEETING DATE:	May 10, 2012
LOCATION:	**Parks & Recreation Dept. (Large Conference Room)**
TIME:	4:00 - 5:30 p.m.
CHAIR:	Anne Pagel

A G E N D A

1. **Introduction of new Board member, Peter Levitov**
2. **Recognition of service of outgoing Board member Susan Larson Rodenburg**
3. **Call to Order and Recognition of 'Open Meetings Act'**
4. **Approval of Minutes:** * April 12, 2012, meeting
5. **Comments from the Public for Items not Listed on the Agenda:**
6. **Committee Reports**

   A. **Fees & Facilities Committee - Susan Deitchler (Chair) - 488-4224**
   - * Recommendation re: updating guidance statement for renovation of Woods Park Tennis Center.
   - * Recommendation re: declaring western portion of Parks & Recreation Maintenance Facility, generally located at 21st & "M" Street, as surplus property.
   - * Recommendation re: declaring the eastern portion of the Parks & Recreation Maintenance Facility, including the Muny Bldg., as surplus.

   B. **Futures Committee - Bob Ripley (Chair) 471-0419 or 488-5131**
   - * Recommendation re: naming of the bird garden at the Chet Ager Building in Pioneers Park Nature Ctr. in tribute to Irene and George Alexander.

   C. **Golf Report**
   - Rounds and revenue report

   D. **Executive Committee - Anne Pagel (Chair) - 402-570-9194**
   - * Recommendation re: guidelines for planting of trees in park areas by private parties.
7. **Staff Report:**
   - Status report on Holmes Golf Course Clubhouse replacement project
   - Status report on Nebraska's Centennial Mall Phase 1 construction
   - Planning for Union Plaza and Jayne Snyder Trails Center dedication
   - Letter sent to representatives of the Lincoln Municipal Band regrading the proposed replacement of the band shell in Antelope Park
8. **Announcements:**
   - 'Wake up the Beds' volunteer planting event at Sunken Gardens, May 12th, 8:30 a.m.

**** Denotes Action Items***

MINUTES

Parks & Recreation Advisory Board Meeting

Parks & Recreation Conference Room

Thursday, April 12, 2012

Members Present:

Andrew Barry	Molly Brummond	Justin Carlson	Jonathan Cook
Jim Crook	Susan Deitchler	Todd Fitzgerald	Karen Hand
Anne Pagel	Jane Raybould	Bob Ripley	Susan Rodenburg
Dennis Scheer	Joe Tidball		

Members Absent:

Keelan Chapman Jeff Schwebke

Recognition of 'Open Meetings Act': As per law, Chairperson Anne Pagel announced that the Board follows the regulations of this Act, as posted.

*** APPROVAL OF MINUTES:** ***It was moved (Deitchler) and seconded (Scheer) to approve the minutes of the March 8, 2012, after corrections are made. Motion carried by majority vote of members present with Hand, Ripley and Scheer abstaining.*** **(A copy of the amended minutes will be kept on file at the Parks & Recreation Admin Office.)**

PUBLIC COMMENTS FOR ITEMS (other than those listed on the current Agenda): There were several members of the Taylor Park neighborhood who attended the meeting to address the issue of the long and/or native grass areas that are being established in Taylor Park. Staff members of Parks and Recreation will continue to address their concerns but assured them that this is a 'work in progress' that will take at least five years to see the benefits.

There was one member of the Roberts Park neighborhood in attendance who asked permission to mow a part of the park himself in order to assist Parks staff. Jerry Shorney will work with him to accomplish this.

COMMITTEE REPORTS

Fees & Facilities Committee - Susan Deitchler, Chair - 488-4224

- *** Recommendation re: updating guidance statement for new performance structure in Antelope Park:**

  Parks and Recreation staff are recommending that the guidance statement for the proposed performance structure in Antelope Park be revised to provide direction for developing a new schematic plan for this project. Parks and Recreation Dept. staff have met with reps of the Lincoln Municipal Band (LMB) and have recommended that a plan be developed that could be accomplished in phases over time. Staff also recommends that consideration be given to utilizing a pre-manufactured structure to reduce construction costs. An excerpt from the Guidance Statement (adopted by PRAB in 2008 and amended in 2009) is as follows:

  Antelope Park and Auld Pavilion are historically significant within Lincoln's parks and recreation system. The design character of a future proposed performance structure should be respectful of and complimentary to the classic architectural features of Auld Pavilion and the Nebraska Liberty Bell Pavilion. Auld Pavilion is the signature architectural feature of this area of Antelope

Park. The proposed performance structure should be subordinate to Auld Pavilion in size, scale and architectural detailing.

The current bandshell is reportedly the 3rd performance structure constructed in Antelope Park. The architectural appearance of earlier structures was reflective of traditional park bandshells and gazebos constructed in the late 1800's and early 1900's. It is recommended that the design and appearance of a new structure be guided by the architectural appearance of traditional park bandshell structures and also that use of a pre-manufactured structure be explored as a cost savings measure.

The proposed bandshell covered stage should be designed to accommodate a 40-member band or orchestra. Accessory spaces include storage space for electrical and lighting operations and sound system, and restrooms accessible to performers and spectators. The project should be designed so that it can be developed in phases with the structure(s) appearing as a completed project upon completion of each phase. The order of phased development should be as follows: 1) covered stage; 2) storage space; and 3) restrooms.

It was moved (Committee) to accept the recommended revisions to the guidance statement for development of a replacement performance structure in Antelope Park. Dean Haist, Executive Director and first trumpet player with the Lincoln Municipal Band (LMB) testified on behalf of the Lincoln Municipal Band and said that for the last five years they have worked with the City to help create a new performance structure in Antelope Park that the citizens can be proud of. They have raised and spent about $30,000 on the project thus far. The current proposed design, created by Bahr Vermeer Haecker, has been approved by the PRAB and one of the approved documents indicates that it is possible for an allied organization to serve as fiscal agent for fundraising purposes in a project such as this. Haist feels this is crucial for the LMB as they wish to raise funds both for necessary equipment and to help build an endowment for the LMB. He said he's attending this meeting (of the PRAB) to see action taken on what LMB views as significant changes to the project that they received less than a week ago. He said LMB feels it is critical for fundraising purposes that their donors be able to give their support for this project to the LMB and not to the Lincoln Parks Foundation.

Without changes to the proposed documents being considered at this meeting, LMB feel that the result will be a structure that is only marginally better than the current one and something that will be ridiculed for its design and shortcomings almost immediately after it is built. Haist said if these proposed documents are accepted in their current form, then LMB is no longer interested in being a part of this project. (A copy of Mr. Haist's complete presentation will be attached to the file copy of these minutes). ***Chairperson Pagel asked that the previous motion be tabled for the time being in order to discuss the next agenda item which may help clarify the LMB agenda item.***

*** <u>Recommend adoption of a process for facility development and fundraising by allied organizations for park sand recreation facilities :</u>** The Parks & Recreation Advisory Board adopted Guidelines for Facility Development and Fundraising by Allied Organizations for Parks & Recreation Facilities in December of 2009. These guidelines were developed and adopted in tandem with the Lincoln Parks Foundation Board of Directors and describe roles and responsibilities of partners in capital projects that involve fundraising activities by an allied organization. There is interest in having an accompanying document that provides a step-by-step sequence for projects involving fundraising activities by an allied organization. A copy of the adopted guidelines and proposed process document were included in the Board members packets. ***A copy will also be included with the file copy of these minutes.*** The process document is parallel to the adopted guidelines for capital projects involving fundraising by an allied organization. Staff recommended approval of this process. Lynn Johnson explained that this does not change the way these issues are currently handled but the Department wanted it to be put on paper so everyone can see it and so that they can work through the process. Both groups (Parks Dept. and Parks Foundation) have had conversation about what the role of each is and who should serve as the fiscal sponsor for these projects. Both Boards agreed that when it's a facility constructed on Parks & Recreation property, they felt it really should be the Parks

Foundation Board who holds and manages those funds. Johnson explained that the Department is trying to accomplish two things at this meeting: 1) look at revising the guidance statement to provide guidance to updating the schematic master plan for the performance structure in Antelope Park, and, 2) adoption of the process (these two issues are related since the performance structure is the current project that is working it's way through the process). There being no further discussion, ***it was moved (Deitchler for the Committee) and seconded (Carlson) to approve the adoption of a process for facility development and fundraising by allied organizations for parks and recreation facilities. Motion passed unanimously by members present.***

Chairperson Pagel asked for further discussion on the agenda item regarding the performance structure in Antelope Park at which time Mr. Haist left the meeting stating that Lincoln Municipal Band was not interested in pursuing any further discussion. Some concern was expressed about continuing to pursue a new performance structure in Antelope Park without the assistance of the LMB.

As a reminder it was pointed out that at a previous meeting, the Board approved only the conceptual plan and not the final design of the structure which means changes can be made before it comes back to the Board in it's final form and the possibility of some type of prefabricated structure can be discussed further. ***Karen Hand moved that this item be tabled for further discussion until everyone's positions can be clarified; Susan Deitchler withdrew her previous motion regarding recommendation for updating guidance statement for new performance structure in Antelope Park.*** Susan Rodenburg asked that the Department follow up with the LMB to reinforce the fact that the Department is interested in working with them but let them know that LMB needs to follow the guidelines and process. Susan Deitchler said she would also like to include in the communication the fact that the Department and Board value the relationship with LMB and what they have offered the citizens of Lincoln.

Kevin Keller, a member of the LMB Board, said he feels there has been excellent history between the Band and the Parks Department and he feels the Band is definitely not 'married' to any plan, and that they are willing to work with the Department to accomplish the construction of some type of a new performance structure.

*** Recommendation re: declaring certain properties at 21st & M Streets and at 23rd and N Streets as surplus**: If this item is approved, it will be forwarded to the Planning Commission and then to the City Council. Lynn Johnson said the action before the Board at this meeting is to recommend that a couple Park properties be declared surplus in order for the Department to initiate a couple different actions. Johnson referred to a map of the area that was included in the members Board packets. One of the areas on the map is the Parks & Recreation Department's Maintenance facility which is two different parcels - Lot 2 includes a building that contains two maintenance shops and a building that houses Community Forestry and Public Gardens. The outlot area includes outdoor parking, storage, fuel storage area and the Muny Bathhouse that contains the (P&R) Planning & Construction Division. The intent behind this proposal is that the two maintenance shops and the Forestry section will be relocated at the new Municipal Service Center on West Bond Street (old Experian bldg.) by the end of the year. The Public Gardens section will be relocated somewhere in the area of Sunken Gardens. Lot 2 and the west portion of Outlot 1 are identified as part of a redevelopment area that includes Lot 1 which is the old Williamson Honda building that is now owned by LPSNRD and People's City Mission rents it on a month-to-month basis and Windstream is the owner of property to the south that is an old warehouse building. As an option for a developer who is interested in this area, they could also acquire the eastern part of the lot which contains the Muny Bathhouse Building and a parking lot.

The first action before the Board is a recommendation that the entire area of Lot 1, Outlot 1 west portion and Outlot east portion be declared as surplus but it's the Department's wish to retain ownership of the east portion. If a developer wants the entire area then it would have already been declared surplus and it would not have to come back to the Board. The second action is on a piece of property located along "N" Street (Lot 3) that was the location of the old Kuklin

Pool which was displaced when Antelope Valley went through the area. In the interim, Elliott School has constructed a new greenspace area and parking lot on this property. The recommendation on Lot 3 would be to declare it surplus with the intent of working though a purchase/sale agreement to transfer ownership of the property to the School District. There is an intent to get an 'Invitation for Redevelopment' out by the end of April to see if a developer is interested in this property.

Bob Ripley expressed concern about the timing of this and asked if it could be delayed by a couple months. He said he doesn't have a problem declaring the properties as surplus but he does have a problem with Parks & Recreation being displaced from facilities that are perfectly located and adapted for their use but also realizes that this is a decision to be made by the Department. Ripley also said he would like to see both the Muny Bathhouse Building and the old Telephone Co. building excluded from this action because they are both exceptionally good pieces of architecture. He feels that the land could still be surplused but when a developer makes a proposal it should be known to them that these two buildings should be identified as "required integral components" of any redevelopment plan.

Ripley read a letter that he wrote to Mayor Beutler expressing his concerns - it's only a draft and has not yet been sent to the Mayor. A copy of the letter will be included in the Department copy of these minutes.

Lynn Johnson said the Board could do one of a couple options: 1) they could recommend action on the 21st & N Street property go back to Fees & Facilities Committee for review; 2) make a recommendation that only a portion of the property be declared surplus; or 3) recommend that all of it be declared surplus with the recommendation that significant effort be made to retain the Muny Bathhouse and Telephone Co. building. Delaying this action for a month would not have a significant effect on procuring land in the Stevens Creek area for a future park site.

After further discussion if was moved (Fitzgerald) and seconded (Carlson) that the Board recommend approval of surplusing the property at 21st & N (Lot 3) but delay action on the east portion of 21st & "M" Street property. Motion passed by a unanimous vote of members present. This will not go to the Planning Commission until the Board has taken final action.

It was then moved (Cook) and seconded (Scheer) to defer the remaining properties (Outlot 1 and Lot 2) back to the Fees & Facilities and/or Futures Committees for further review. Motion carried by unanimous vote of members present.

Lynn Johnson said that due to the length of this meeting he would like to bypass the Golf Rounds and Revenue Report, table the Recommendation re: guidelines for planting of trees in park areas by private parties, move on the Behavior Policy for Parks & Recreation facilities and programs and table the rest of the agenda items.

Futures Committee - Bob Ripley (Chair) 471-0419 or 488-5131

- No report.

Golf Report:

- Dale Hardy distributed a copy of the latest report on Golf Rounds and Revenues and reported that the golf program is having a great year thus far!

Executive Committee - Anne Pagel (Chair) - 570-9194

- *** Recommendation re: guidelines for planting of trees in park areas by private parties:** Tabled.

Staff Report:

- *** Recommendation re: Behavior Policy for Parks and Recreation facilities and programs:** Lynn Johnson introduced Jocelyn Golden, Assistant City Attorney who is assigned to work with the Parks and Recreation Department. Johnson distributed an updated copy of the Behavior Policy for Parks & Recreation Facilities/Programs. The proposed City of Lincoln Parks & Recreation Department Behavior Policy: Disruptive and/or Prohibited Conduct establishes policy guidelines across all facilities and programs managed by the Department. The proposed policy establishes definitions for inappropriate behaviors that are detrimental or disruptive to other patrons, participants and facilities, and establishes a stepped approach of warnings followed by restrictions from a facility or program for individuals violating the policy. Individual sections have established guidelines over time for managing inappropriate or disruptive behaviors. The proposed behavior policy provides a standardized approach across all Department programs and facilities. Similar policies are being used by the City Libraries and Aging Division.

  Jocelyn briefly went over the policy and she and Sandy Myers (P&R Recreation Supervisor) responded to questions asked by Board members. This policy will get final approval by a mayoral Executive Order and then it will become a public document and staff will be trained accordingly. ***It was then moved (Crook) and seconded (Scheer) that the Board recommend approval of the conceptual P&R Dept. Behavior Policy with modifications as agreed to by the Parks Director. Motion carried by unanimous vote of members present.***

- **Status report of Holmes Golf Course Clubhouse replacement project:** Tabled
- **Status report on Nebraska's Centennial mall Phase I construction** - Tabled
- **Report on process to seek a new regional park site in the Stevens Creek basin** - Tabled
- **Planning for Union Plaza and Jayne Snyder Trails Center dedication** - Tabled

Announcements:

- Nature's Market at PPNC - Saturday, April 21st - 9:00 a.m. - 2:00 p.m.
- Volunteer Rose Pruning Event/Seminar at Hamann Rose Garden - April 14th, 1:00 p.m.
- Arbor Day Tree Ceremony at Kahoe Park, April 25th - 9:00 a.m.
- Spring Volunteer Tree Planting at Densmore Park - April 28th - time TBD
- 10th Anniversary Open House at "F" St. Community Ctr., April 29th, 2:00 - 4:00 p.m.
- Public Opinion Survey on tobacco use in outdoor parks and recreation facilities - www.lincoln.ne.gov survey is available in the "hot box" on main page through April 30th.

TO: Lincoln City Council

FROM: Jon Camp

DATE: May 5, 2012

RE: Sidewalk and Street Standards

A major function of City government is to provide infrastructure for its citizens, including streets, sidewalks and other paths for transportation.

In recent years, as Lincoln has grown, there have been many new projects that have created concerns by citizens who reside adjacent to infrastructure modifications. In particular one can look to Old Cheney and S. 70th Street. Currently, the issue of bike lanes in downtown Lincoln is being addressed.

I believe we need to restudy exactly what infrastructure is (1) desired, (2) needed, and (3) affordable.

In the very short term is a situation on the west side of S. 70th Street—requiring the installation of sidewalks. I respectfully ask that we immediately delay construction and resolve several issues:

1. What is our policy?
2. What can we afford?
3. What can we afford to maintain?
4. On major arterials, should the sidewalk be installed and paid for by the City, as it now does with new arterial widening projects. . .even though an arterial was previously widened with no sidewalk?
5. If a sidewalk has virtually no benefit to adjacent property owners, should the City pay for the sidewalk?
6. If a sidewalk is difficult to maintain, e.g. snow removal, because of a retaining wall, who should bear the cost of maintenance?
7. Is it equitable to treat different areas of the City differently? For example, there are many older neighborhoods with NO sidewalks—why are we not requiring those areas to install sidewalks?

These are a few of my questions. Ultimately, I believe we can find the best solution by applying (1) common sense, (2) fiscal responsibility, and (3) just plain do the "right thing".

One final comment: let's be careful not to justify certain infrastructure installations by raising "safety concerns". Of course enhancements will provide a level of safety. But, if, for example, the City has no resources to maintain its streets and sidewalks, these will

decay and present future hazards—let's not create more unsafe conditions? Our limited resources should be spent on the most pressing needs?

Finally, we need to consider the impact on adjacent property owners and their quality of life. For example, in many of our older neighborhoods, I can justify continuing to omit the sidewalks as those residents have a quality of life and a unique character in their neighborhoods.

Today's "new neighborhoods" will become tomorrow's "old neighborhoods".

Mary M. Meyer

Subject: FW: Constituent Email on pending Fairness Legislation

Hi Jon:

I am writing this to you as a member of the City Council and not because of our 45th high school reunion coming up in October and both on the committee.

I worked as the Senior Civil right Investigator for the Lincoln Commission on Human Right for more than 12 yer until I had to retire early due to serious health problems and am not currently working. However I worked in the field of civil rights for more than 30 years at the State of Nebraska, UNL & than LCHR. I also own my own company of Floth Consulting where I am hired by companies and/or attorney's to conduct training and internal investigation concerning discrimination issues.

The reason I am writing this is to urge you to vote in favor of adding sexual orientation to Lincoln's discrimination laws. When I was employed there we got calls from people who had lost their jobs, were not hired or denied rental on housing when it was discovered they were transgender, gay, lesbian, or bisexual. These people had no recourse and we could not take a complaint. There are two cases that are forever etched in my mind. One case was two females who were single moms and partners with children and wanted to rent a house so their kids had a place to play outside and they could put in a garden. The landlord would not rent to them because he wanted a married couple and the house was a two bedroom so he asked about sleeping arrangements and was aghast when they said they would be sharing a bedroom as the kids would also be sharing one. He flat told them he would not rent to their kind because it made him "sick to his stomach thinking about what they would be doing in the bedroom" and in front of those kids. No I am not joking. The only thing that should have concerned him was they pay rent on time, the utilities and didn't tear the place up. He also threatened to contact their employers to notify them what type of people were working for them. Unfortunelty these woman had no recourse and this landlord still has rental property in Lincoln and lots of it.

The second incident involved a male who was in transition becoming a female. He had one surgery to go, but needed a job to save the money for that last one.

He was qualified for jobs in the retail business with many years experience and excellent references from previous employers prior to his surgery. He lost his job because of "what his coworkers would say when he returned to work", could not find a job unless he compromised and dressed like a male and no traced of female clothing or make up. When he came into the office, he was very well groomed as a female, there were some traces such as his voice that gave it away that he was a male, but a very pleasant person. H ended up leaving Lincoln and moving to another city that did not discriminate or where there was recourse for him. LCHR did not take the charge at the advice of the city attorney's office, but we did filed an EEOC charge based on sex stereotyping at the advise of the EEOC state and local coordinator. EEOC does allowed for charges to be taken on those grounds, but as you can imagine the amount of time before a case is closed is roughly 2 to 3 years and that was when I left in 2008. Cases brought before LCHR do not nor have that ever taken that much time for a decision and these people need a decision sooner than 2 to 3 years.

I know the City has tried in the past to get the law changed and it didn't pass the voters, but society has changed its thinking and are much more accepting that all people should have equal rights and not just because they are not white, male, Christian and married. We have come a long wy since the Civil Rights Act was made law. You remember as well as I do how it was in the 60's and African Americans were treatd so poorly even in Lincoln. We are not that city any more, we have a very large population of different cultures and different languages spoken here. Our GLBT citizens deserve the same rights as any other person in this town. If Omaha can do it, we shouldn't be any different and as the capital city we need to set the example not be the exception. I hope you will vote in favor of making this law.

If you have any questions or would like to discuss this further with me, please don't hesitate to contact me at my home phone numbeer 402-440-3473, write me at 3745 Wildbriar Lane, 68516, or e-mail me .

Thank you for your time.

Colleen A. Floth

Phone Message from:

To: Jon Camp

From: Dr. Phillip McNealy:

05.04.12
1:52 p.m.

Oppose the Fairness Ordinance.

Mary M. Meyer

Subject: Protected Class Ordinance & Process

From: Mike Friend [mfriend@cityimpact.org]
Sent: Monday, April 30, 2012 1:22 PM
To: Jon Camp
Subject: Protected Class Ordinance & Process

Jon,

Thank you for your service on the Lincoln City Council. I am sending this email strictly as a private citizen and voter in Lincoln. My opinion does not necessarily reflect the views of any business, organization or other public interest which I may be affiliated with or employed by.

In my opinion, at the very least, the local ordinance that is coming before the City Council on protected class behaviors and sexual orientation should be put in front of the people for a vote. It also should be given far more time for public comment, deliberation and response. The last-minute, somewhat stealthy manner in which it has been put forth speaks volumes and calls into question the efficacy of such a measure were it to go to public vote. It is a very slippery slope indeed when the government gets in the business of protecting classes of citizens based on behaviors and often behaviors which get lumped together with other behaviors that one would not clearly define as in the public interest. Please consider and please encourage your colleagues to consider making decisions based on facts and precedent such as the following taken from the Nebraska Family First Website (understanding this was for a different piece of legislation but the underlying facts and principles are very applicable):

Hate Crimes Fact Sheet

H.R. 1913 // Local Law Enforcement Hate Crimes Prevention Act of 2009

There has been no dramatic rise in sexual orientation "hate crimes" in the United States.

- In 2007(the most recent year reported), out of 855,856 cases of reported aggravated assault, only 242 were allegedly motivated by sexual orientation bias - approximately 3 out of every ten thousand.
- Of the 7426 incidents of reported "hate crimes" in the U.S. in 2007(including race, religion, gender and all other categories), 1,265 (approximately 16.6 %) were classified as motivated by "sexual orientation" bias. 75% of that 1265 number fall into categories such as vandalism, name-calling, and pushing and shoving.
- Only 448 "simple assaults" (i.e., pushing and shoving) were reportedly from sexual orientation bias. The total number of simple assaults in the nation is so large that the FBI doesn't even keep track of them apart from "hate crimes."
- Almost 51% of all "hate crimes" are motivated by racial bias. The next largest category is religion, at 18.4%. Sexual orientation is third and is fairly steady over the years both in terms of percentage and in raw numbers. There definitely has been no dramatic rise in sexual orientation "hate crimes".

Hate crimes legislation treats victims of the same crime unequally under the law.

Although the 14th Amendment guarantees all citizens equal protection under the law, hate crimes legislation elevates some victims of violent crimes over others. If a person commits violence against a homosexual and the crime was found to be motivated by perceived bias against the victim's sexual

orientation, then the perpetrator will be charged with a “hate crime.” If the same violent crime is perpetrated on a child, the act would not classify as a “hate crime.”

Hate crimes legislation punishes thoughts, not actions.

Advocates of hate crimes legislation argue that the bill only authorizes prosecution of someone who “willfully causes bodily injury” or “attempts to cause bodily injury.” But such acts are already crimes under state law. What converts the acts targeted by this bill into a federal offense are the thoughts or opinions of the perpetrator alone. Since every violent crime manifests some sort of “hate,” it makes more sense to think of this as a “thought crimes” law.

Hate crimes legislation does not define the class it seeks to protect.

H.R. 1913 does not define the meaning of “sexual orientation” and only loosely defines the term “gender identity,” which means the courts will be left looking to accepted literature like the Diagnostic and Statistical Manual of Mental Disorders IV in determining a specific definition of sexual orientation. That manual includes disorders like pedophilia as falling under the area of sexual orientations.

The law is an unconstitutional intrusion on the state's right to regulate and punish crimes committed within its borders. Congress does not have the authority to legislate against violent, but non-economic crime. In the 2000 Supreme Court case of U.S. v. Morrison, the Court held very clearly that "The regulation and punishment of intrastate violence that is not directed at the instrumentalities, channels, or goods involved in interstate commerce has always been the province of the states."

Hate crimes legislation paves the way for religious persecution.

Religious leaders and members of religious groups could be prosecuted under the federal “aiding and abetting” statute (18 U.S.C § 2). That law allows for prosecution of anyone who “aids, abets, counsels, commands, induces or procures the commission of a crime” done by another. On any given Sunday morning, there are hundreds, if not thousands of pastors preaching on God's view of sexuality and marriage, and what the Bible has to say about homosexuality. How many hundreds of thousands, perhaps millions of people have heard such sermons? Is it possible that one of those millions of listeners at some later point might commit an act of violence against a homosexual person and try to blame it on his pastor's teaching? Of course it is. And that puts the pastor in the crosshairs of this "hate crimes" bill.

Christian speech has been prosecuted under hate crimes laws in other countries.

In Sweden, Canada and Great Britain “hate crimes” laws have been used to prosecute Christians speaking their disapproval of homosexual behavior, posing a serious threat to religious liberty and free speech. Even here in the United States, Christians peacefully protesting a gay pride rally were arrested and jailed in Philadelphia under a local “hate crimes” provision.

I fully understand the challenges before elected officials in making wise decisions which keep the interest of all of the community in mind, however, current law seems to allow ample recourse and to allow for protected class rights for people based on behavior swings wide the door to all sorts of permutations which promise negative consequences for the whole community. Thank you for your time, service and consideration.

Sincerely,

Mike Friend
4011 S 82 St Circle

Mary M. Meyer

Subject: FW: DISCRIMINATION AGAINST GAYS

From: Don & Mary [texandhub@gmail.com]
Sent: Monday, April 30, 2012 6:04 PM
To: Jon Camp
Subject: DISCRIMINATION AGAINST GAYS

There is no need for this to be considered by the City Council. The Gay community currently has the same rights and privileges as other citizens. Why are we making them special?? I STRONGLY DISAGREE with this proposal. Please vote against it.

Mary Betten
7500 South Street #15
Lincoln, NE 68506
(402) 488-6526

Phone Message from:

To: Jonathan Cook

From: Dr. Phillip McNealy:

05.04.12
1:52 p.m.

Oppose the Fairness Ordinance. Will detrimentally hurt Lincoln.

RECEIVED
MAY 04 REC'D
CITY COUNCIL
OFFICE

Harold Wilson
#37418
Box 22800
Lincoln, NE
68542-2800
5-2-12

Carl Eskridge
Lincoln City Council
555 S. 10th St
Lincoln, NE 68508

Dear Mr. Eskridge,

I am writing in regard to the proposed anti discrimination proposal. Especially when it covers housing.

I am incarcerated but I am in a relationship with a transgender m/f female who is now on the streets and going through hormone treatment in preperation for gender changing surgery. Last Sept we purchased a mobile home for $15,000 in Woodlaen Estates in Lincoon. When Gracy my life partner went to apply for residency they had no problem with her being on parole at the time and her being an ex-con. Then they ran her I.D. and came up with her former male name and then suddenly they created a rule that ex-cons have to be more then seven years past their last criminal conviction. At the time Gracy was 11 months short of that time frame, but the point is they were going to approve her as a resident of the park until they found out she had been born a male.

Since they refused to accept rent from her, they eventually sued us for back rent and won a judgement even though Gracy offered to pay the rent each month on time. They forced the sale of the trailor since they would not even qllow us to sub lease it. Because Gracy was not allowed on the premises, the pipes froze during the winter and caused alot of damage to the trailor. So when the Sheriffs sale took place, Gracy tried to buy the trailor back, even after we had paid over $1,700 in back rent and late fees for rent they would not accept from her because of her being transgender. So she stopped biding on it when she found out the persom bidding on it was an agent of Woodlawn Park and was there to make sure she did not buy it back and buy it back cheaply. So they paid only $1,300 for it, which made us lose over $13,000 on the deal because of their prejudices.

It's hard enough for an ex-con to find a place to live, but be a transgender or gay ex-con and see how hard it is to make a go of it. Even now Gracy has not found any kind of steady job, and our savings are nearly all gone and I fear that she will be out in the street if she doesn't find employment soon.

Please pass this important bill so that Gracy and I do not have to go through this kind of loss ever again. I just hope she can find a job and not end up back in prison.

Sincerely,
Harold Wilson

PS I am trying to persuade her to be at the council meeting on May7.

Phone Message:

TO: Adam Hornung

FROM: Mary Quintero

05.04.12
4:00 p.m.

Re: Fairness Ordinance

Had concerns previously on women's safety, how do we protect?

Now additional concerns with possible (?) court battle with the Attorney General. Lincoln doesn't have additional money to spend.

Mary M. Meyer

From: Crouch, Don [don.crouch@nebraska.gov]
Sent: Thursday, May 03, 2012 2:17 PM
To: Council Packet
Subject: centennial mall area

The city will be using centennial mall by the State Office Building as a staging area for up to two years. Yesterday they fenced in the entire area. Could we suggest that on the east side of the building they put a fenced-in path across from the East parking garage. If they do that the city would have two separate staging areas. It would make it so much more accessible for staff over the two years and would also help the city better comply with ADA requirements. Currently a person in a wheelchair has to go clear over to 16th street and around the Temple and down L street to get to the State Office Building building. This seems like a reasonable accommodation.

Don Crouch
Program Director
Vocational Rehabilitation
301 Centennial Mall South
P.O. Box 94987
Lincoln, NE 68509
402.471.3657
402.471.0788 fax

Mary M. Meyer

From: Margery M. Ambrosius [mmambrosius@yahoo.com]
Sent: Thursday, May 03, 2012 5:04 PM
To: Council Packet

I wish to voice my support for Council Member Carl Eskridge's proposed ordinance protecting the rights of people of all gender identifications. We have known a same-sex couple who found employment in Lincoln so fraught with discrimination that they moved away after only two years. They had given every indication that they intended to put down roots here and make Lincoln their permanent residence.

Going beyond fairness arguments, clearly Lincoln cannot afford to lose talented professionals such as these two men.

Margery M. Ambrosius
6545 S. 34th Street
Lincoln, NE 68516

"Some things have to be believed to be seen." Ralph Hodgson

Mary M. Meyer

From: Cameron Neira [cameronneira@gmail.com]
Sent: Thursday, May 03, 2012 9:49 PM
To: Council Packet
Subject: Fairness Ordinance

Lincoln City Council members,

I would like to take this opportunity to express my support for the Fairness Ordinance that is going to be under your consideration in the near future. While my place of employment has chosen to protect its workers from discrimination based on gender identity or sexual orientation, not all local businesses have followed suit; there are individuals that must live with the fear that someday they may lose their livelihood based solely on these factors. This should not be. The workplace should not be a space of fear, but of equality and respect. When an employer is determining whether to fire an employee, their decision should be based upon work performance rather than an individual's preferences or beliefs. Should an employer choose to terminate an individual's employment based solely on an aspect of their identity, there needs to be courses of action available for reparation just as there are routes for those discriminated against for their religious beliefs or race.

Already, the government provides protection from workplace discrimination based on many individual facets, such as race, religion, color, and sex. However, the list falls short. The Equal Employment Opportunity Act was designed to provide protection to all segments of society. In our ever changing world, it becomes extremely pertinent to keep such ideals fresh and valid to the current state of society. We have always strived for equal treatment and protection for all under the law, and history shows that we have been in the right. I believe that time will prove us in the right once more, despite those that would hold back progress, whatever their reasoning.

I urge you take the lead in our current struggle and pass the Fairness Ordinance to help ensure that Lincoln does not fall behind the tide of change and I can remain a citizen proud to call it my home.

Thank you for your consideration and time.

Cameron Neira
(402) 318-6586
1520 S. 23 St
Lincoln, NE 68502

Mary M. Meyer

From: Jomac [jmachmer@neb.rr.com]
Sent: Thursday, May 03, 2012 10:15 PM
To: Council Packet
Subject: Fairness

It's not about tolerance. It's about fairness. Please vote yes.

JoMac

It's almost Friday!!!!!!!!!!

OVERNIGHT VOICE MAIL OF 05.03.12

1. Kurt Meyer, against the Fairness Ordinance.

2. Greg Swanson, do not pass the Fairness Ordinance. Giving privilege to few.

F:\FILES\CITYCOUN\Council Info\OVERNIGHT VOICE MAIL1.wpd

MUCH MORE THAN A PARK

While the ancient Greeks were not the Romans and the ancient Romans were not the Founders of our country, there are things which tie us together. Rituals and spaces which join us in our common belief that people can rule themselves. This belief is not universal across our planet. Across the globe and across time this belief is constantly challenged by authoritarianism or technocracy. Here in our great capital, named for our great saint of liberty, we protect and nurture this belief. All members of this body believe in self-government, all members of this body would fight for it, so I ask you all to consider if the recent proposal concerning Centennial Mall is in the best interest of self-government.

In the land of ancient Greece, the people gathered to decide how best to protect their city. These people met in the Agora. "Nowhere is the history of Athens so richly illustrated as in the Agora, the marketplace that was the focal point of public life." In the Agora, the men whose words would be the inspiration for our current government met and discussed ideas. Those discussions clarified their arguments and strengthened their theories. The Agora was public place, maintained by the public because it benefited the public.

In Rome, before the rise of emperors, they called their space the Forum. At the Forum, leaders great and small were expected to rise and address the citizens. For on this ground, the wisdom of their ideas was examined by their masses. It is worth noting; when the Roman emperors rose and took power from the Senate, the forum was seen a waste of precious land within the city. The new emperors replaced the Forum with buildings for the new imperial bureaucracy.

When the first colonists came to our country, they built town squares. Before Thomas Jefferson, John Adams, and Ben Franklin entered the Independence Hall to sign the Declaration of Independence, they crossed and may have stopped briefly in the town square in front of the building. We can never know exactly, what words might have been exchanged there and how those words might affect us even today. We now hold that ground sacred as a national treasure. Independence Square is a beacon of freedom to the entire world as a World Heritage Site.

In Lincoln, we have the Centennial Mall. It is well described by necentennialmall.org-

"Nebraska's Centennial Mall is more than just Lincoln. It's Nebraska's front door to the State Capitol, home to our Unicameral. It's where 35,000 school children visit each year to learn about their state. And it is the front door to the University of Nebraska, our state's oldest and largest university system and the cultural and intellectual hub of the state."

It is not a park. No park holds this much meaning. We don't bring our young children, the leaders of tomorrow, to a park and say this is America. From this spot, you can see the building in which our best men and women decide which laws will best protect our state.

For the past six months, Centennial Mall has been a space for constant protest. Beyond the merits of that particular protest, the place of protest is important. The place where we gather connects to those who have gathered in the past. It connects us with those who will gather in future. I implore you to consider how this space is different. I suggest that any changes in it status should be more than to modify Centennial Mall into one more city park. It is a special place. If the Centennial Mall needs new rules, then those rules should recognize its uniqueness. The new laws must be crafted to protect it.

I trust that council members will write and pass laws with our ideals in mind. For we all are just part of the story, merely caretakers of the flame of liberty, with God's protection, we pray it may never be extinguished.

By: Robert Way

801 El Avado Ave

Lincoln, NE

402-304-4100

Mary M. Meyer

From: William Carver [williamc@neb.rr.com]
Sent: Friday, May 04, 2012 9:55 AM
To: Council Packet
Subject: City Funds and Local Banks

Dear City Council Members,

Lincoln has long been home to many local banks, savings & loans, and credit unions. These institutions have a long history of both corporate and community responsibility. Dollars invested in these local businesses tend to stay in the community and their deep connections provide insight into the charitable and philanthropic needs of the community. When local banks are used, our community benefits not only from increasing business within our local economy, but also from the philanthropy and community investments that these local institutions provide. Because of this, the Near South Neighborhood Association Board of Directors supports City policies that encourage the use of local financial institutions when the City conducts business. After discussion at our March 12, 2012 meeting, the NSNA Board of Directors voted to send this letter urging the City Council to adopt policies and practices that make use of local financial institutions – including the transfer of existing city balances into local financial institutions. The board continues to believe that investment in local business pays off in increased benefits throughout the community.

Sincerely,

Near South Neighborhood Association Board of Directors

Mary M. Meyer

From: dkhueser [dkhueser@earthlink.net]
Sent: Friday, May 04, 2012 10:43 AM
To: Council Packet
Subject: Fair Ordinance Advocate

Importance: High

Dear City Council Members,

I live on the Clinton Neighborhood of Lincoln and am writing in support of the Fairness Ordinance which is a very needed addition for Lincoln, NE. The Fairness Ordinance ensures that people will be judged based on their ability to do their job, not who they are. The most productive employers and employees in our society value open, diverse workplaces where discrimination of any type is not tolerated and creativity is encouraged. In these fiscally trying times, efforts that further our economic development as a city should be encouraged. It is the "Right" thing to do for Lincoln and all citizens.

Thank you for your consideration and approval of the Fairness Ordinance.

Regards,

Kathleen M. Hueser

Kathleen M. Hueser Ph.D., MCC
dkhueser@earthlink.net

H 402-904-4332
1245 N 26th St
Lincoln, NE 68503

"People will forget what you said, People will forget what you did. But people will never forget how you made them feel." Malcom Forbes

Consider the environment before printing this e-mail.

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Friday, May 04, 2012 12:34 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Ann Suyker
Address: 3840 J Street
City: Lincoln, NE 68510

Phone: 402-475-5867
Fax:
Email: thesuykers@gmail.com

Comment or Question:
Both my husband and I strongly oppose the "Fairness" Ordinance and ask that each member vote against it.

Phone Message from:

To: Council

FROM: Christina Grissita

05.04.12
11:16 a.m.

Vote against the Fairness Ordinance, will pose threat to public safety, etc.

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Friday, May 04, 2012 3:33 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Larry Gadeken
Address: 641 N. 148th
City: Lincoln, NE 68527

Phone: 402-540-5404
Fax:
Email: larrygadeken@yahoo.com

Comment or Question:
Please vote against the fairness ordinance. It is not needed and will only give special treatment to a group of people that are already given equal opportunities under our current laws.

Mary M. Meyer

From: sandelle@aol.com
Sent: Friday, May 04, 2012 1:26 PM
To: Council Packet
Subject: Fairness Ordinance

Please, please support the Fairness Ordinance.

Sincerely,
Sandra Ellenwood of Lincoln, NE

Mary M. Meyer

From: Sitaram Jaswal [jaswal@unl.edu]
Sent: Friday, May 04, 2012 3:39 PM
To: Council Packet
Cc: Sitaram Jaswal
Subject: Make Lincoln Fair for all

Dear Lincoln City Council Members:
I am writing this to most sincerely urge you to support " Make Lincoln Fair Ordinance" so that all members of our society including those who belong to LGBQT community. Omaha city council recently did that and for the sake of fairness and morality we must do the same. This will tremendously improve the civil standards of our society. Thanks for listening.

Sincerely yours,
Sitaram Jaswal
3325 Grimsby Lane
Lincoln NE 68502

Mary M. Meyer

From: Travis Davis [travisdavisfg@gmail.com]
Sent: Friday, May 04, 2012 4:20 PM
To: Council Packet
Subject: Fairness Ordinance

The Fairness Ordinance makes complete, logical sense. We should be concerned with issues far more difficult. This issue is not difficult. It is simple. I support the Fairness Ordinance.

Mary M. Meyer

From: Julie Banks [pezcara@aol.com]
Sent: Friday, May 04, 2012 4:19 PM
To: Council Packet
Subject: Pass the Fairness ordiance.

City council:

I encourage the City council to pass the fairness ordinance. As a member of the GLBT community I have seen first hand the fear that can happen to an employee who fears being fired for just being who they are: GLBT. We have an opportunity to make Lincoln a fair city. A city that everyone can be proud of.

Thank you for your time.

Julie Banks
pezcara@aol.com

Mary M. Meyer

From: Robert Brown [rb61201@windstream.net]
Sent: Friday, May 04, 2012 5:22 PM
To: Council Packet
Subject: Nondiscrimination ordinance

I strongly support the City Council's efforts to endorse an ordinance that prohibit discrimination in employment and housing based on sexual orientation and gender identity.
I have lived in Lincoln for 45 years. As a retired faculty member at UNL, I am personally aware of strong faculty members who left Lincoln for employment elsewhere because they did not find Lincoln "comfortable." These persons were all close friend. As a person who helped recruit faculty and staff members, there were occasions when applicants, who happened to be glbt, wanted to know how inviting Lincoln was to glbt folks. It was an important consideration in their decision-making. (I am not glbt, but have been a long-time ally.)

While you may at first think that this is a concern only for members of the glbt community. This is not true. As other cities become more and more inclusive and welcoming, this makes others (faculty, staff, and the general public) who are not glbt also interested in finding out whether or not Lincoln is a progressive city in this regard.

Robert D. Brown

Mary M. Meyer

From: LeeAnn Pancharoen [lpancharoen@gmail.com]
Sent: Friday, May 04, 2012 5:37 PM
To: Council Packet
Subject: In support of the fairness ordinance

I am writing in support of the fairness ordinance, proposed by Carl Eskridge. Although I am not a member of the LGBT community, I consider myself to be an ally and have personally benefited from the contributions of a diverse workforce. It is vitally important that people are judged by their ability to do their jobs, not who they are. This ordinance is an important step in ensuring that our community is a supportive and inclusive place for all individuals. I hope that this ordinance is passed unanimously - it will send a strong message that Lincoln is a community that will not stand for discrimination in any form. Thank you for your consideration.

Sincerely,

LeeAnn Pancharoen
4411 North Park Blvd
Lincoln, NE 68521
lpancharoen@gmail.com

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Friday, May 04, 2012 6:36 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Stephanie Dohner
Address: 2118 Euclid Ave
City: Lincoln, NE 68502

Phone:
Fax:
Email: dohners@windstream.net

Comment or Question:
Dear Council Members:

Please vote to support the anti-discrimination legislation proposed by Councilman Carl Eskridge. Joining with Omaha in this effort will show that our city has reached a certain level of civic maturity. This is especially important because our university claimed it joined the Big Ten in part because our "culture" was similar to theirs. I understand that all the other Big Ten cities have similar ordinances.

GLBT people are not a special interest. They are an integral part of our community.

Thank you for your attention.
Stephanie Dohner

Mary M. Meyer

From: Megan Strain [mls312@gmail.com]
Sent: Friday, May 04, 2012 6:58 PM
To: Council Packet
Subject: My hometown

Dear Lincoln City Council,

I will always consider Lincoln, Nebraska my home. I was born and raised there, and although my career goals have taken me elsewhere, I would like to return to Lincoln someday and raise my (future) family there. If my future husband and I are lucky enough for that to happen, I want Lincoln to be a fair place to live and make a living. I want it to be a place where my children, whoever they may turn out to be, will be judged by the quality and effort of their work, not who they love. I don't want anyone to ever be at risk of losing their job because the person with whom they share their lives is labeled unacceptable by someone else.

It should make absolutely no difference to an employer whether an employee loves someone who is their sex or the opposite; to say that such information is irrelevant to work performance is an understatement at best. To continue to allow businesses to blatantly discriminate against hard-working citizens is to enable the bogus justification of bigotry and prejudice.

Please, make Lincoln fair. Pass the Fairness Ordinance.

--
Megan Strain
Manhattan, Kansas

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Saturday, May 05, 2012 2:41 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Judith Gibson
Address: 1045 North 41st St.
City: Lincoln, NE 68503

Phone: 402-466-6263
Fax:
Email: judithgibson@inebraska.com

Comment or Question:
I will not be able to participate at the hearing on May 7th so am writing to ask you to vote in favor of the Fairness Ordinance on the 14th.

I have lived and worked in Lincoln for 43 years. At none of the organizations (government and human services) for which I worked was there protection from negative administrative actions based solely on sexual orientation or gender identity. I was lucky to have supervisors/directors who valued me for my abilities and job performance. But that situation could have changed at any time. If someone thought I was lesbian/gay/transgender (whether I was or not) and reported that to an unfriendly administration, I could have lost my job and, with it, other critical benefits for me and my family, such as health insurance?.. No matter how good my work had been.

I am now 72 and working only part-time, independently. I was lucky and am thankful for the positive environments I had at my salaried jobs. But other folks should be able to know that their initial and continued employment depend on their job performance.

I?ll appreciate your thoughtful support for all citizens of Lincoln.

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Saturday, May 05, 2012 4:26 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: David Ficken
Address: 16715 Martha Cir
City: Omaha, NE 68130

Phone:
Fax:
Email:

Comment or Question:
Please vote against the bill to add sexual orientation and gender identity as protected classes. This is not needed and these laws are used to harass those with traditional beliefs. As witnessed by the calls from the gay Lincoln school board member to have Ron Brown fired after he testified on a similar bill in Omaha, what we really need is protection for those who hold religious beliefs that homosexuality is wrong. Nobody should be discriminated against, but these kind of laws give special protection to certain individuals but do nothing to protect any of us based on our weight, looks, political beliefs or many other criteria. Thank you for considering this.

Mary M. Meyer

From: Brent Gillett [brent.gillett@yahoo.com]
Sent: Saturday, May 05, 2012 9:39 PM
To: Council Packet
Cc: Jon Camp; Jonathan A. Cook; Doug Emery; Eugene W. Carroll; Adam A. Hornung; Carl B. Eskridge; DiAnna R. Schimek
Subject: Bill Number 12-45

I am writing to express my opposition to the so-called "Fairness Ordinance" or as I would more aptly describe it, the "Lawyer Employment Assurance" ordinance.

Like practicing medicine, the primary principle of establishing a new law should be, "First, do no harm." The bias of a free people should always be against the establishment of new laws. Each law, no matter how "good" or how equitable adds to the regulatory burden of the citizenry and the accumulation of laws over time results in the servitude of the individual to the law, and to the lawyers and regulators who enforce and interpret the law.

In the case of attempting to regulate discrimination, the bias against new regulation should be especially strong for a number of reasons. First of all, discrimination happens. It happens to all kinds of people for all kinds of reasons. It is not possible to eliminate discrimination through government fiat. Early in my career, I sensed that I was at a competitive disadvantage in the company I worked for because most of my co-workers had graduated from a local college, but I had come from out of state. Survey the faculty lounges of the major universities around the country and you will find an ideological purity that suggests systemic discrimination against viewpoints (including religious viewpoints presumably protected by discrimination laws) that are commonly found throughout the rest of the population.

Discrimination laws and other laws intended to address societal inequalities, real or perceived, are also particularly dangerous, in that they rest on the premise that a class of citizens (usually affiliated with the current party in power) deserves special protection over and above the protection provided to the rest of the population; a fundamentally unfair proposition. This particular law attempts to extend special protection beyond immutable characteristics of race and gender to behavioral and lifestyle choices that conflict with long-standing views of morality and at the same time clearly has partisan overtones.

Ultimately, even if the law is perfectly equitable, this equality is inconsequential if the law is not equitably enforced. Employers and other individuals have few good options when facing a former employee with a grievance or a politically motivated prosecutor wielding the equivalent of a legal bludgeon. The number cases of people "mugged by the law" around this country seems to grow with each new year and each new law.

At the same time, I believe this law has the potential to hurt not only employers and other members of the general public, but also the very people that it purports to help. Risk management is a major component of running a business, and hiring a new employee can be among the riskiest decisions an employer makes. The smaller the employer the truer this becomes. A strong argument can be made that an employer who would otherwise not discriminate against a protected class of individuals, would be well advised, as a matter of risk-management, to find other legitimate reasons to avoid hiring them. It is much easier to find a good reason not to hire someone, than to terminate a member of a protected class, even if the cause of that termination is completely justifiable for reasons of performance or professional conduct.

Finally, I find it instructive that many of the same people clamoring for special employment protections are at the same time demanding Ron Brown's termination for expressing deeply held religious beliefs (presumably already protected by discrimination laws). I would also warn that just because it is possible to quickly enact a policy like this with heavy handed tactics and condescending arguments, the issue will not become any less divisive nor will it quickly disappear.

Sincerely,

Brent Gillett

Mary M. Meyer

From: Becky Witt [beckywitt10@yahoo.com]
Sent: Sunday, May 06, 2012 6:55 AM
To: Council Packet
Subject: Support for Councilman Eskridge's motion

Dear City Council,

I am urging all of you to support Councilman Eskridge's motion for an ordinance to protect gay, lesbian and transgender's rights to rent or buy a place to live and have employment free of discrimination.

I am a lifelong Lincoln resident and owner of a small business. It is intolerable to allow anyone to discriminate against another person, for any reason. I have decades of experience hiring and managing people and I've always taken the position that it doesn't matter if someone is 3 feet tall and green, if they can do the job better than anyone else, they should get the job.

I've heard opponents of this ordinance say how this will devastate businesses and that is not true, any more than the Civil Rights Act of 1964 did.

We should all consider Lincoln's goals of becoming a center for research as part of the University. A great many highly creative and intelligent minds could be in this category and allowing discrimination against them could adversely affect grant money and development of research facilities.

Thank you for your consideration of support.

Best Wishes,

Becky Witt

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Sunday, May 06, 2012 12:00 PM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Barbara DiBernard
Address: 1045 N. 41st Street
City: Lincoln, NE 68503

Phone: 402-466-0117
Fax:
Email: bdibernard@gmail.com

Comment or Question:
May 6, 2012

Dear Councilman Hornung:

I am proud that you are our City Council representative and thankful for your careful work on the Council. Today, I am glad to write to express my support for the Fairness Ordinance and urge you to vote for it. As you know, our state motto is ?Equality Before the Law.? All of our citizens need the right to work, have a place to live, and use public accommodations without fear of discrimination or prejudice due to the reality or perception of their sexual orientation and gender identity.

I was fortunate enough to work for the University of Nebraska, which for many years has had a non-discrimination policy that includes sexual orientation. However, my partner worked for the state and for an agency that did not provide such protection. It?s frightening to know that a person who is committed to her job and does it well can be fired for no reason other than her identity or perceived identity. I also know a lesbian couple denied the ability to rent an apartment because of who they are, not based on their responsibility as renters and citizens.

I believe The Fairness Ordinance is the right and fair thing to do. Please vote for it.

Sincerely,

Barbara J. DiBernard
1045 N. 41st Street
Lincoln, NE 68503
402-466-0117

Mary M. Meyer

From: aknightwing@windstream.net
Sent: Sunday, May 06, 2012 5:15 PM
To: Council Packet
Subject: Written testimony for Fairness May 7

May 6, 2012
My name is Alyx Knight. I am a board member of the Lincoln Chapter of Parents, Families and Friends of Lesbians and Gays. I coordinate the annual fund raising event.
As a veteran high school teacher, I have observed and talked with so many students who knew at an early age that they were different. When they were old enough to put words to it, that difference is that they are LGBT. Unfortunately as a direct result of a society that is not yet free of discrimination, many of these students have been bullied, discriminated against by coaches/teachers/parents, and many have thought about suicide solely because they are LGBT. Without fairness, there is a potential for continued prejudice in the work force when these students become adults and move on from public school.
That's why I am writing in strong support of the City Council to pass the Fairness Ordinance; in addition to other classes protected by law, LGBT people in Lincoln can work and support themselves and their families. We all should have the right to work without prejudice, bullying or wage discrimination.
Finally, many of our young people tell P-Flag that they plan to complete their education and then leave Lincoln to move to communities that are more supportive. Lincoln can't afford to lose our young people.

Thank you.

Alyx Knight, board member
PFLAG Cornhusker Chapter
PO Box 82034
Lincoln, NE 68501-2034

Mary M. Meyer

From: Muriel Shores [ts64241@windstream.net]
Sent: Sunday, May 06, 2012 5:42 PM
To: Council Packet
Subject: Please vote Yes on anti-discrimination amendment

Dear Council Members:

Please vote yes on the GLBT anti-discrimination amendment. Do not let our developing city look like a backwater, bigoted, small-minded town.

Thank you,

Thomas and Muriel Shores
Lincoln Nebraska

Mary M. Meyer

From: Janece [wjmollhoff@windstream.net]
Sent: Sunday, May 06, 2012 6:32 PM
To: Council Packet
Subject: ordinance to protect gay, lesbian and transgendered citizens from housing or employment discrimination

I have read that Lincoln is considering a ordinance to protect gay, lesbian and transgendered citizens from housing or employment discrimination. Jon Bruning has recently opined that Lincoln cannot do this. I reject his analysis and want the City Council to pass the ordinance. I want Lincoln to be welcoming and tolerant. This solidifies our community as a place where creative spirits are welcome and valued.

I live in Ashland, but think it is important you know that folks in greater Nebraska support what you are doing. I am hoping that other communities will follow suit.

Janece Mollhoff

Mary M. Meyer

From: Jean Burke [jmburke2@gmail.com]
Sent: Sunday, May 06, 2012 7:05 PM
To: Council Packet
Subject: Fairness Ordinance--I'm in Favor

I am writing to say that the Fairness ordinance is the right thing for Lincoln. I have a lesbian daughter and I want her to feel equal here at home and to have the same protections everyone else does. I also believe it’s truly a business issue. Nebraska cannot afford to lose so many of these talented, creative young people to larger cities where such protections are already in place. Like Hilary Clinton said recently: Gay rights are human rights.

Thanks for considering this important ordinance!

Jean Burke

Mary M. Meyer

From: Pat Friesen [patfriesen@gmail.com]
Sent: Sunday, May 06, 2012 10:01 PM
To: Council Packet
Subject: support the amendment

As a voting citizen of Lincoln, I urge you to **support the amendment** against discrimination based on gender identify.
Pat Friesen
3301 So. 76th St.

Mary M. Meyer

From: Karen Sue Amen [amenkarensue@gmail.com]
Sent: Monday, May 07, 2012 7:33 AM
To: Council Packet
Subject: Support for the Fairness Ordinance

The power of the Fairness Ordinance goes far beyond its legal ramifications. It will be an affirmation of Lincoln as an inclusive, welcoming, joyful place to live. It will be yet another example of Lincolnites "doing the right thing" in the positive evolution of our beloved community.

Thank you, Councilman Eskridge, for bringing this opportunity forward. And thank you, Lower Platte South Natural Resources District, for adopting a similar non-discrimination amendment in November of 2011.

Karen Amen

3220 Joy Court
Lincoln, NE

Mary M. Meyer

From: Lynn Beranek [janese62@yahoo.com]
Sent: Sunday, May 06, 2012 7:30 PM
To: Council Packet
Subject: Fairness Ordinance

Most of you know me as the woman who works behind the scenes at 5 City-TV, helping with various productions including the Lincoln City Council meetings.

I am also a member of the LGBT community.

As such, I was thrilled to learn of the Fairness Ordinance that has been proposed. I know firsthand the heartache and fear of being "outed" at work and the possible loss of employment because of it. I also know that a city cannot truly be progressive until all of it's citizens have equal rights and protections under the law.

Therefore, I am respectfully asking that you vote YES on this ordinance.

Thank you,
Lynn Janese Beranek

Mary M. Meyer

From: jeffnbarbnichols@aol.com
Sent: Friday, May 04, 2012 11:42 AM
To: Council Packet
Subject: protected classes issue

Dear Council,
I would like to make my voice heard as you debate the issue of sexual orientation and gender identity being added to the protected classes under city code. I am strongly AGAINST such action. I believe this would be very detrimental to our city. I believe it would in fact, be discrimination of the rights of those who's beliefs of morality dictate against such things. It also seems to just make common sense that allowing those who identify themselves opposite gender into public restrooms is a real potential for causing harm instead of help. Please, vote against this issue. Thank you for your consideration.

Barb Nichols
www.thoughtfulimagesink.com

JAN GRADWOHL

May 4, 2012

Eugene Carroll, Chair
City Council of Lincoln, Nebraska
555 South Tenth Street
Lincoln, Nebraska 68508

IN RE: Bill No. 12-45 and the Motion to Amend No. 1.

Dear Council Chair Carroll:

I wish to give testimony on Bill No. 12-45, the proposed amendment to Title 11 of the Lincoln Municipal Code, Equal Opportunity, and Chapter 2.76 of the Lincoln Municipal Code, the City's Personnel Rules and Regulations, to prohibit discrimination on the basis of sexual orientation or gender identity, and on Paragraph 1. of the Motion to Amend No. 1. I will be out of state on Monday, May 7, the date set for hearing on these matters. Therefore I ask that the attached statement with regard to Bill No. 12-45 and the Motion to Amend No. 1 be received and considered as my formal testimony in this matter.

Thank you.

Jan Gradwohl

c: Adam Hornung, Vice-Chair
Jon Camp
Jonathan Cook
Doug Emery
Carl Eskridge
DiAnna Shimek

2925 JACKSON DRIVE, LINCOLN, NE 68502 ❖ JGRADWOHL@AOL.COM

WRITTEN TESTIMONY OF JAN GRADWOHL

Council Chair Carroll, Vice-Chair Hornung, and Members of the Lincoln City Council:

I apologize for not appearing before you personally on the critical issues raised by Bill 12-45, the proposed amendment to Title 11 of the Lincoln Municipal Code, Equal Opportunity, and Chapter 2.76 of the Lincoln Municipal Code, the City's Personnel Rules and Regulations. I will be out of the State on Monday, May 7, 2012, the date that this matter is set for hearing, but do wish to be heard on this vital matter.

This is a particularly exciting time to live in Lincoln. While many areas of the nation are suffering from economic decline, Lincoln is alive with new construction and civic improvements. It has one of the lowest unemployment rates in the nation. The expansion of the University of Nebraska, the creation of the new arena to attract more events to Lincoln, the strong business climate in the City, the strength of local arts organizations and the desires of the City to stimulate tourism and growth all add to the vibrancy of the community. The dynamic atmosphere of the City at this time is due in part to the varied elements within it, and it is the diversity of cultures, life-styles and interests that add richness to life in Lincoln.

Lincoln has been known for its open attitudes toward those with varied social concepts and cultures, and as a result has been used as a settlement area for refugees from war-torn countries or oppressive regimes – Cubans, Vietnamese, Bosnians, Sudanese and others. Lincoln's city ordinance protects such persons, but it does not provide safeguards for an important group of contributing residents of the City, the gay, lesbian, bisexual and transgender community. To exclude this group is in itself discrimination, for it sends the message that these important residents are not worthy of the protections afforded other valued persons in the City. That is bigotry in its most blatant form.

I oppose Paragraph 1. of the Motion to Amend No. 1, primarily because it could result in the denial of vital services, such as medical care, to members of the gay, lesbian, bisexual and transgender community. To deny medical or other vital services to any group within the community would be unconscionable. And if discriminatory practices are allowed at places of public accommodation owned or operated by religious entities, the door is open for a variety of prejudicial events and circumstances.

I am a former deputy county attorney and judge, but I am speaking out personally and am not in any way representing the views of any entities with which I have been affiliated in the past. The background in both fields gives me a unique perspective on the role of equality of individuals in the legal system. That is precisely the issue that you confront in considering the proposed equal protection amendment to the Lincoln Municipal Code -- whether to include in the Code an important minority group that has previously been excluded from its legal protections. This group has been shut out solely because its members have lifestyles with which some in the community disagree.

In addition to other reasons for supporting it, adopting Bill 12-45 would also benefit the City of Lincoln. It is in the City's interest to present itself as an open community that welcomes individuals with varying views. If Lincoln wants to be regarded as a place that is appealing to a diverse group of talented residents, it must be willing to provide the same legal safeguards for ALL of its residents. To fail to do so would portray the City as an entity that does not care about protecting a valued group within its jurisdiction.

I urge you to approve the Bill 12-45, and to reject Paragraph 1. of the Motion to Amend No. 1.

Thank you.

Jan Gradwohl

Mary M. Meyer

From:	Tyler Richard [tyler@outlinc.org]
Sent:	Monday, May 07, 2012 9:11 AM
To:	Doug Emery; Jon Camp; Jonathan A. Cook; Carl B. Eskridge; ecarrol@lincoln.ne.gov; Adam A. Hornung; DiAnna R. Schimek
Cc:	Council Packet
Subject:	Fairness Ordinance Support Packet
Attachments:	Fairness Ordinance Hearing Packet.pdf

May 7, 2012

Lincoln City Council
555 S. 10th St
Lincoln NE 68508

Dear Members of the Lincoln City Council:

Lincoln is a good place for many to call home due to your service to our city. Thank you for your commitment to Lincoln.

The need for the Fairness Ordinance has been known by members of Lincoln's gay and transgender community for decades. Over the past few months, a number of individuals and organizations have made it clear that now is the time to add "sexual orientation" and "gender identity" to our existing non-discrimination policy.

You will hear from many of these organizations and individuals during the hearing on the Fairness Ordinance at today's public hearing. For your convenience, a number of the written items and testimony transcripts have been compiled into this packet.

Should you have any questions, please do not hesitate to contact me or one of the testifiers who have provided contact information in this packet.

Give us a Lincoln that we can all be proud to call home. Make Lincoln Fair.

Sincerely,

Tyler Richard
Outlinc President

--
Tyler Richard | tyler@outlinc.org | 402-202-6211
http://www.outlinc.org

outlinc P.O. Box 84253 · Lincoln, NE 68501-4253 · www.outlinc.org

May 7, 2012

Lincoln City Council
555 S. 10th St
Lincoln NE 68508

Dear Members of the Lincoln City Council:

Lincoln is a good place for many to call home due to your service to our city. Thank you for your commitment to Lincoln.

The need for the Fairness Ordinance has been known by members of Lincoln's gay and transgender community for decades. Over the past few months, a number of individuals and organizations have made it clear that now is the time to add "sexual orientation" and "gender identity" to our existing non-discrimination policy.

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Should you have any questions, please do not hesitate to contact me or one of the testifiers who have provided contact information in this packet.

Give us a Lincoln that we can all be proud to call home. Make Lincoln Fair.

Sincerely,

Tyler Richard
Outlinc President

Fair
MakeLincolnFair.org

May 7, 2012 City Council Hearing Packet Table of Contents

Why Make Lincoln Fair

UNMC - Employment-related discrimination experiences for LGBT Lincoln, NE residents

Written Transcripts Testimony

- Tyler Richard, Outlinc President
- Dr. Pat Tetrault
- Laurel S. Marsh, ACLU Nebraska
- Rev. Stephen Griffith, St. Paul United Methodist
- Realtors Association of Lincoln
- Debra A. Hope, Department of Psychology, Ph.D.
- Beatty Brasch, Center for People in Need Executive Director
- Michael Dunn, ASUN Government Liaison
- Andrea Snowden, YWCA Lincoln Board Member
- Thia Hartlely, PFLAG Cornhusker President

Cities with Non-Discrimination Policies including Gender Identity

ACLU Legal Memo on Constitutionality of Nondiscrimination Laws

Human Rights Campaign - Greenberg Quinlan Rosner Research

Stories collected on MakeLincolnFair.org

P.O. Box 84253 · Lincoln, NE 68501-4253 · www.outlinc.org

Why "Make Lincoln Fair"?

People should be judged at work by their performance, not their sexual orientation. If you work hard and do your job effectively, you shouldn't be fired just because you're gay, lesbian, bisexual or transgender. Great performance deserves a fair workplace. LGBT people are productive parts of the Lincoln community, who contribute to the economy and it's only fair they be able to earn a living like all other productive workers.

The Fairness Ordinance would continue Lincoln's long-standing tradition of treating everyone fairly. In 1966, Lincoln became the first city in Nebraska to stand-up against workplace discrimination, we can continue to grow our attractiveness to businesses by promoting a value Lincoln was built upon: fairness.

Now is the time to add "sexual orientation" and "gender identity" to our existing protections. Now is the time to Make Lincoln Fair.

Nebraskans Support Fairness
An overwhelming majority of Nebraskans — 73% — believe that lesbian, gay, bisexual and transgender people should be protected from discrimination in employment.

Discrimination Hurts People in Lincoln
These protections are necessary to ensure that all productive workers have the same opportunities. A June 2011, local study by the University of Nebraska Medical Center recommended that community leaders reduce barriers that prevented gay and transgender residents of Lincoln from being out in order to improve public health and workplace performance. This study showed that discrimination against gay and transgender people exist, even in Lincoln.

Fairness is a Tradition
The Fairness Ordinance would continue Lincoln's tradition of ensuring that everyone has access to the same opportunities, benefits and protections. **This ordinance simply adjusts existing policy regarding employment to protect lesbian, gay, bisexual, and transgender people, just as it currently protects people based on characteristics like race, sex, religion, national origin, and disability.**

Businesses Support Fairness
Small businesses and Corporate America have already begun voluntarily implementing this type of protection—97 of the Fortune 100 largest companies in America have policies banning discrimination on the basis of sexual orientation—but the Fairness Ordinance is necessary to make sure everyone in Lincoln receives fair treatment.

Faith Leaders Support Fairness
More than twenty clergy from several congregations have voiced support of fairness for the LGBT community. This ordinance will continue its existing standard of balancing the need for people of faith to hold their values while also treating people fairly.

Business Won't Have to Change
Business owners have existing processes in place for following the existing ordinance. This simply expands the list of protected classes and does not require any other changes on the part of an employer.

Our City Will Grow - Without Costly Claims
The ordinance allows gay and transgender people to file claims of discrimination with the city using the process that currently exists for other, similar claims. The many cities, companies and states that have implemented employment discrimination protections have not seen any significant surge in litigation. The Williams Institute found that complaints of discrimination on the basis of sexual orientation were filed at an average rate of 3 to 4 per year for every 10,000 employees.

Our Businesses Will Grow - Without Costly Claims
An October 2011, poll of small business owners by the Center for American Progress found that: 67% of small business owners report absolutely no costs associated with non-discrimination policies. The few companies that did cite costs noted that those costs were negligible, representing less that 1% of annual operating costs; 7 out of 10 small business owners nationwide already have such policies in place.

Already, all but 2 of the top 50 "Fortune 500" companies include sexual orientation in their non-discrimination policies; 7 out of 10 companies also include gender identity. Companies with these workplace policies report the following economic benefits: Recruitment and retention of the best talent; Ideas and innovation drawn from a diverse work force; Increased employee productivity and lower costs for business.

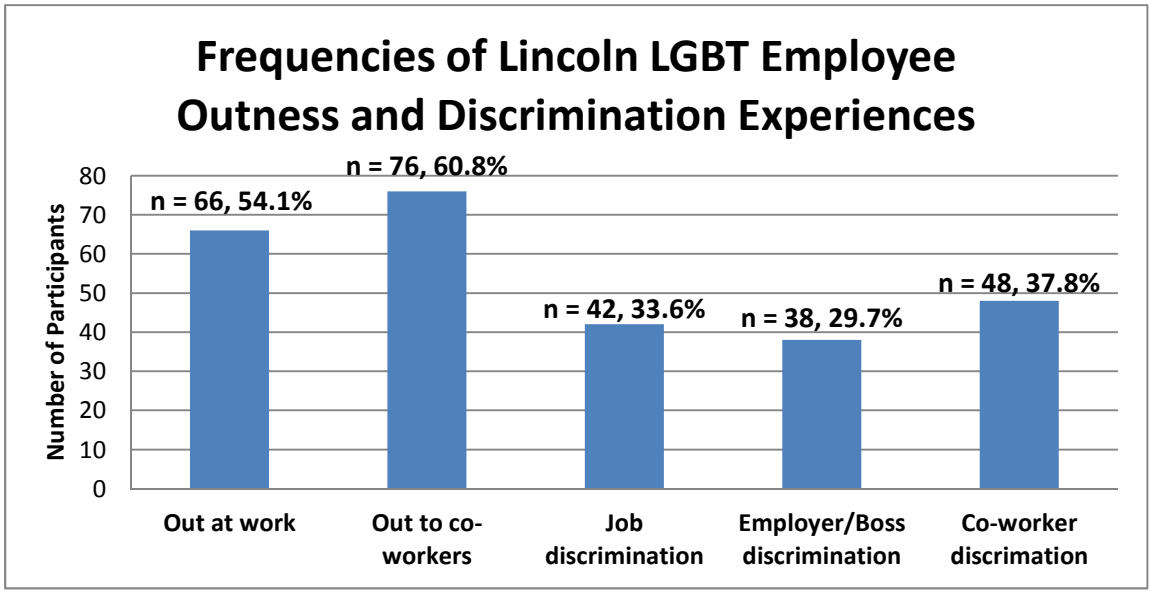
Lincoln Can Remain Competitive
As of March 2012, 163 other municipalities in the United States — including Omaha — have adopted an ordinance similar to the Fairness Ordinance. With some city ordinances in effect since the 1970's, both large cities such as New York, Los Angeles, and Chicago, and smaller, regional cities such as Kansas City, Minneapolis, Denver and even Council Bluffs have determined that fairness in the workplace will help build successful communities.

Addendum B: Employment-related discrimination experiences for LGBT Lincoln, NE residents

This addendum serves as an addition to the data analysis presented in the June 25, 2011 Midlands LGBT (lesbian, gay, bisexual, and transgender) Needs Assessment Community Report prepared by the directors (Drs. Fisher, Irwin and Coleman) and student researchers (Ms. McCarthy and Chavez) of the Midlands Sexual Health Research Collaborative (MSHRC) based in the College of Public Health at UNMC. The study was conducted in 2010 via an online survey. The aim of the broader study was to assess the physical, mental, social and sexual health of LGBT persons who lived, worked, and/or "played" in Nebraska.

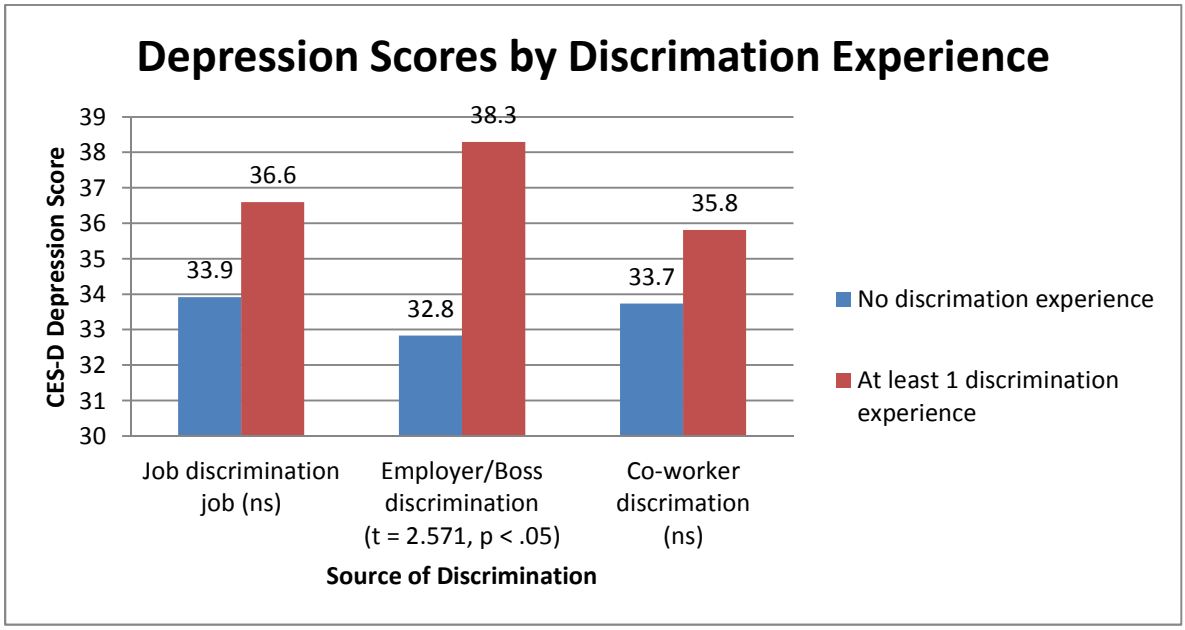
As identified in the original report (see Appendix F), nearly a third of respondents indicated some experience with job discrimination *because* of their sexual orientation and/or gender identity. As of this writing, Lincoln as a municipality and the state of Nebraska as a whole do not provide employment protections based on sexual orientation or gender identity with the recent exception of Omaha, NE, which recently enacted such protections. Currently, 16 states, including Iowa, and the District of Columbia offer such protections with an additional 5 states providing protections only based on sexual orientation (http://sites.hrc.org/sites/passendanow/index.asp). As the city council of Lincoln considers a local ordinance for employment non-discrimination, the MSHRC felt it important to provide data related to experiences of LGBT Lincoln residents based in scientific research. The findings reported in this addendum are based solely on the scientific analysis of the data and supporting scientific literature.

Of the 770 survey respondents, 129 (16.8%) were from Lincoln (proper, not metro). Measures of experienced employment discrimination were included in the survey. Over half of the respondents from Lincoln had disclosed their sexual orientation and/or gender identity to their employers (n = 66, 54.1%) and their co-workers (n = 76, 60.8%). Many respondents indicated, due to their LGBT identity, having been discriminated against in a job at least once (n = 42, 33.6%), treated unfairly by an employer, boss or supervisor (n = 38, 29.7%) and being treated unfairly by coworkers (n = 48, 37.8%).



Respondents who indicated at least one experience of unfair treatment by an employer, boss, or supervisor because of their LGBT identity were significantly more likely to have higher depressive symptoms on the standardized depression scale (see table below; see page 23 for more details on depression scale). While the other two forms of workplace-related discrimination measured did not yield statistically significant differences in depression scores, those reporting at least one discriminatory experience from co-workers or in a job did have higher average depressive symptoms than those reporting no discrimination. Other analyses from this study

showed that participants with higher depressive symptoms scores were more likely to report higher numbers of sick days and generally they indicated illness interfered with their normal daily activities on more days than those with lower depressive symptoms scores (see page 25).



It's important to note this relationship is correlational and not causal; we cannot infer from this data that the perceived discrimination by an employer, boss, or supervisor led to greater depressive symptoms. However, there is sufficient evidence in other studies to suggest that experienced discrimination, regardless of where it is happening, is indeed strongly related to subsequent bouts of increased depression (Shulz, et al., 2006; Almeida et al., 2009) which has been shown in other studies to lead to increased work impairment due to physical health (e.g., Keenan-Miller, Hammen, & Brennan, 2007).

Based on the scientific literature and the results of the Lincoln-specific data, it is possible that a lack of legal protections from discrimination may have negative implications for LGBT persons. A lack of policy likely does not promote discrimination. However, it potentially creates a work-place environment that is unsupportive of LGBT identities and thus does not stop or discourage discriminatory practices from happening. A good portion of our participants had experienced discrimination due to their sexual orientation and/or gender identity. Those experiences may have led to increased depressive symptoms which led to increased illnesses which reduced productivity in the workplace. Finally, increased depression has been shown to be correlated to a number of other negative health outcomes (Moussavi et al., 2007) for the individual which may also impact workplace productivity.

References

Almeida, Johnson, Corliss, Molnar & Azrael (2009). Emotional distress among LGBT youth: The influence of perceived discrimination based on sexual orientation. *Journal of Youth and Adolescence*, 38(7), 1001-1014.

Keenan-Miller, Hammen & Brennan (2007). Health outcomes related to early adolescent depression. *Journal of Adolescent Health*, 41(3), 256-262.

Moussavi, Chatterji, Verdes, Tandon, Patel & Ustun (2007). Depression, chronic disease, and decrements in health: Results from the World Health Surveys. *The Lancet*, 370(9590), 851-858.

Schulz, Gravlee, Williams, Israel, Mentz & Rowe (2006). Discrimination, symptoms of depression and self-rate health among African American women in Detroit: Results form a longitudinal analysis. *American Journal of Public Health*, 96(7), 1265-1270.

Outlinc Testimony
Tyler Richard, President

Good afternoon Council members:

My name is Tyler Richard and I am president of Outlinc which is in strong support of the Fairness Ordinance. Over the past three years we have gathered with hundreds of gay and transgender residents of Lincoln with the goal of making Lincoln the most welcoming place in the Midwest for lesbian, gay, bisexual and transgender people to live, work and play. You have an opportunity before you to not just make Lincoln more welcoming for gay and transgender people, but also to improve our economy and business culture.

Today a variety of supporters will be speaking on a basic value: fairness. People should be judged at work by their performance, not their sexual orientation or gender identity.

Faith leaders, those in touch with business community, experts in the social sector and health advocates will all be talking about how the Fairness Ordinance will improve the city of Lincoln. You will also hear from researchers and those that work with discrimination to discuss the harm that is allowed under the current state of the law.

In 1966, Lincoln became the first city in the state to stand-up to discrimination. For approaching 50 years, businesses in Lincoln have had practices in place to prevent unlawful discrimination and our city has had process in place to respond when complaints are made. Religious institutions have had exemptions. The protected class list has been modified five times by the city council alone, in two instances without being required to by state or federal law. None of these things would change under the Fairness Ordinance.

The Fairness Ordinance would continue Lincoln's tradition of ensuring that everyone has access to the same opportunities and protections. This ordinance simply adjusts existing policy by adding "sexual orientation" and "gender identity" to the protected class list. It has nothing to do with bathrooms. It has nothing to do with health care benefits. Religious exemptions are strengthened to continue to allow people of faith to uphold their personal values while balancing the common goal of preventing discrimination.

What this means for the thousands of gay and transgender people that call Lincoln home can be shared through a few stories Outlinc collected through the website, MakeLincolnFair.org.

Suzanne
In 1981, my father was a member of the Lincoln City Council. One of its members

proposed a human rights ordinance, which would include "sexual orientation" as a protected class for the city of Lincoln.
I had just discovered a year earlier that I was gay. I "came out" to my parents, in order to let my father know that if he voted against this ordinance, he would be voting against me as a gay woman.

Morgan
After my boss learned that I participated in an event for supporters of gays and lesbians, I was fired from my job. This happened in Omaha but because Lincoln doesn't offer protections I have never had a lot of confidence when applying for a job in Lincoln.

David
I left Lincoln in 1970 and never looked back. I understood back then that there was not going to be a life for me in Lincoln. I don't even visit except for the most important family events. When I do return with my husband and our daughter, I am very aware of the unspoken message LGBT youth receive when they meet us. It gets better, if you leave.

Anonymous
I experienced very little discrimination as I transitioned in Nebraska, and I know that my case was neither common nor typical, but it was quite open and with that openness came a lot of fear - fear for my personal safety and fear for my future job prospects. There are many people like myself in Lincoln.

When considering the Fairness Ordinance you must ask yourself if these stories of fear, isolation and leaving make you proud. If not, if the Lincoln that you want people to consider moving to, to consider staying in, to consider calling home is a Lincoln with a reputation for treating everyone with fairness and respect then you must vote for the Fairness Ordinance.

I am immensely proud to have called Lincoln home for a decade now. And I am proud of my hometown, Omaha, for taking the lead on providing these basic protections offered in 163 other communities and most Fortune 100 companies.

I ask you today to give us a Lincoln we can all be proud to call home. Make Lincoln Fair. Thank you.

Fairness Ordinance Testimony

Pat Tetreault, Ph.D., ptetreault1@unl.edu 402.472.1752

May 7, 2012

I am here as a citizen of Lincoln who would like to see our city progress. I have worked at the university for about 20 years but am not representing the university. I have also experienced the climate change. My work relates to the fairness ordinance as my primary job responsibilities are to provide education, outreach, support and advocacy regarding social justice, sexual orientation, gender identity and expression. I work with the larger campus community as well as the Lesbian, Gay, Bisexual, Transgender and Ally community. I have experienced, witnessed, and learned about the stigma, prejudice and discrimination that individuals experience as a result of being or being perceived to be LGBT, or for being associated with and supportive of the LGBTQA community. I have also studied issues related to this area as well as conducted research. I have seen and experienced the benefits of having a non-discrimination policy that includes sexual orientation in my workplace. Having policies that make it clear that discriminatory behavior is not standard operating practice in a workplace helps to encourage and sustain a work environment and practices that are more likely to be fair, although they do not guarantee that discrimination will not occur. It does not eliminate prejudice and stigma although it helps in the overall tone and experience in a work environment. It sends a message to individuals and a group that does not have equal standing in our community that the inequity is recognized and that the government intends to support and treat people fairly when in comes to matters of orientation and identity.

Many of the students that I know work in the Lincoln community. I know individuals who have **not** been hired, have been fired, or have been treated poorly within their work environment for being or being perceived to be gay. I hear about and sometimes hear negative comments and misperceptions that indicate a lack of understanding and discomfort with and about LGBT topics. Given the controversy around the worth and acceptance of LGBT individuals, many LGBT individuals, our families and friends are concerned about the negative consequences of people knowing who we are. There is a lack of accurate information and openness around sexuality, orientation and identity. There appears to be an acceptance that prejudice and discrimination against LGBT people and our families and friends is a religious freedom issue and not to be challenged. Silence and invisibility helps maintain the status quo. Stigma is often the result and also impacts those interested in learning. My experience and national data indicate (2010 Report on the Status of LGBT People) that there are individuals who are interested in LGBT programming who are hesitant to participate because they are concerned that someone may think they are gay or that they don't know how to interact with LGBT individuals appropriately. I have also experienced that some individuals and groups don't want to work with the LGBT population or issues because of the controversy and support for allowing discrimination and as a result of stigma. When the government allows discrimination to occur it condones and supports discriminatory behavior that can result in negative health and life consequences for people that may range from losing a job, to bias incidents or hate crimes. If we want to be treated fairly, it is imperative that we treat others fairly. Having a policy of fairness should not be a controversial topic.

There is a particular religious belief that is used to justify and even promote discrimination. This is NOT a universal belief. Having grown up in a military and Catholic home, I believe in the rights that are recognized in the Constitution and the Bill of Rights. I believe that we are called to treat others with love and respect and as we would want to be treated. I personally want to live in a world that is fair, accepting, and caring rather than one in which certain personal beliefs are imposed on the general public so that some individuals are allowed to discriminate freely in the public realm. The government is not here to support a particular religious belief; creating a policy not to discriminate benefits everyone.

Research and experience indicates that the climate for LGBT people has improved although we still have a ways to go. My research with the Gay Straight Alliances in the high schools indicates that what it is like in school varies for students. It depends on where you are at, what is going on and who is there. This is somewhat true for the university as well. Most students who experience bias don't report it for a variety of reasons: they may have to out themselves, they don't know who to tell, or they think it may make it worse. Over 30% didn't think anyone would care but people do care. Life can be challenging and it is more challenging when you are treated unfairly because of who you are or are perceived to be. It is worse when those who are supposed to be there for support and assistance aren't because of a belief by some that we do not deserve the same rights as others. We all deserve the opportunity to be treated and evaluated fairly based on our character and skills rather than perceptions and beliefs. When we are treated unfairly, when we experience stigma, prejudice and discrimination, it can result in negative impacts on our psychological and physical health and is referred to as minority stress. This additional stress has been well documented in the LGBT community (Journal of Public Health, June 2001). We all know that stress impacts our health and there are additional consequences from the additional stress of living with discrimination. Research also shows that support and acceptance from one's friends and families make a difference in the health and wellbeing of LGBT people.

Research conducted at UNL (Tetreault, Fette, Meidlinger, & Hope, in press) has shown that LGBT students who have experienced negative impacts in their lives by losing the support of their family, friends or have consequences impacting their living situation are more likely to be closeted, more likely to have a negative perception of the climate, and are more likely to think about leaving school while LGBT students who have had little impact on their support from family, friends or on their living situations are more likely to be out, are more likely to experience bias yet have a better perception of climate and are more likely to speak up when they experience or witness bias.

Being able to be out or live openly benefits the overall wellbeing of an individual for a variety of reasons. The federal government and the military have also recognized this by repealing the military policy of *Don't Ask Don't Tell.* Allowing individuals to live with integrity supports basic values of equality under the law and fair treatment for everyone. This policy change supports individuals being able to honestly be the best they can be. The National Survey of Student Engagement (2009) also demonstrates that LGBT students who are willing to self-identify as LGBT on the survey (for those schools that included the optional identity questions), that LGBT students are the most engaged students on campus. The talent and resilience of LGBT people is recognized by many businesses and organizations as demonstrated by the nondiscrimination policies of many Fortune 500 companies, the universities in the Big 10, and the military. Progress in the larger society is making its way to Lincoln, NE.

I also am contacted regularly and more frequently by prospective students and faculty asking what the climate at the university and what it is like for LGBT people who live in Lincoln. Having non-discrimination policies and resources makes a difference. Having an environment where all members of the community are accepted and valued makes a difference. As our society continues to shift, we have more LGBT people living openly and LGBT youth are coming out at earlier ages. Expectations around fair treatment are increasing and for a state and country that gives voice to the ideals of equality under the law and liberty and justice for all, it is imperative that we strive to live in accordance with these values. I would like to thank the council for considering this policy change and believe that passing this ordinance is both the right thing to do and will benefit the city of Lincoln as we take a stand to support fairness.

"The earth is the mother of all people, and all people should have equal rights upon it."

--- Chief Joseph

ACLU
AMERICAN CIVIL LIBERTIES UNION
NEBRASKA

ACLU Nebraska
941 'O' Street, Suite 706 • Lincoln, Nebraska 68508
tel. (402) 476-8091 • fax. (402) 476-8135 • info@aclunebraska.org
BECAUSE FREEDOM CAN'T PROTECT ITSELF

May 7, 2012

Lincoln City Council
555 South 10th Street
Lincoln, NE 68508

RE: Proposed Lincoln City Ordinance to prohibit discrimination on the basis of sexual orientation or gender identity, the *Fairness Ordinance*

Dear Council Members:

The ultimate goal of ACLU's work on behalf of lesbian, gay, bisexual and transgender (LGBT) people is an America free of discrimination based on sexual orientation and gender identity. This means an America where LGBT people can live openly, where identities, relationships and families are respected. We work to ensure that LGBT people have equal opportunity to participate fully in civil society by securing freedom from sexual orientation and gender identity discrimination in the workplace, in housing, and in businesses and public places.

There are several common arguments against the inclusion of sexual orientation and gender identity in anti-discrimination ordinances. You may hear that sexual orientation is a choice, and that we ought not offer protection to those who make a choice that could result in discrimination. This argument is a red-herring. We cannot choose our race, our color, our ancestry, disability, age, or national origin. But we can choose our religion, our creed, and our marital and familial status. Our choices, or the lack thereof, are not the reason for the protected status. Rather, the need for protected status is determined because this is the litany of qualities by which people do, in fact, suffer discrimination.

Evidence abounds that LGBT people continue to experience discrimination in employment, housing, and public accommodations, among other contexts. For example, a 2011 UCLA report determined that 27% of lesbian, gay, and bisexual people across the United States had experienced some form of sexual orientation discrimination in the workplace in the five years before they were surveyed, including 7% who had lost a job because of their sexual orientation, and that 78% of transgender people across the United States had experienced employment discrimination related to their gender identity in the preceding five years.[1]

There have also been recent questions about Lincoln's authority to adopt the Fairness Ordinance. The City Council should not be swayed by arguments that the Fairness Ordinance is beyond the City's authority. Nebraska statute clearly empowers political subdivisions, including cities, to

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[1] Brad Sears and Christy Mallory, Williams Institute, UCLA School of Law, *Documented Evidence of Employment Discrimination & Its Effects on LGBT People* (July 2011), http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-2011.pdf.

pass civil rights ordinances that give protections based on characteristics beyond those found in state law. Cities are granted authority to pass "more comprehensive" anti-discrimination protections, just as Omaha recently accomplished. Challenges to the Council's authority have been ably defended by both Omaha and Lincoln City Attorneys. Additionally, ACLU Nebraska has provided an analysis of federal and state authority which I referenced above, to pass these protections as over 160 other communities have done.

In short, it is a matter of both good public policy and basic fairness. ACLU continues to seek anti-discrimination protections for LGBT people in employment, housing, businesses, and public places. The proposed Fairness Ordinance would do just that, and I urge its speedy adoption.

Sincerely,

Laurel S. Marsh
Executive Director

Testimony before Lincoln City Council

In support of Ordinance No 12-45
The Fairness Ordinance

Stephen C. Griffith
1212 S. 23rd Street
Lincoln, NE 68502
402-730-8927

My name is Stephen C. Griffith. I live at 1212 S. 23rd Street, Lincoln.

I am a minister at Saint Paul United Methodist Church and I have a statement of support for the amendment from a number of Lincoln clergy.

> *As religious leaders we stand for fairness for everyone in our community. We call on the Lincoln City Council to enact provisions that protect lesbian, gay, bisexual and transgender individuals from discrimination in the workplace.*
>
> *We believe it is our moral imperative to ensure that all our residents live in dignity and free from fear. In our pastoral experience we have seen and heard about bullying, teasing and discrimination in the workplace. We know all too well that this discrimination can be hurtful and even fatal.*
>
> *As people of faith, we affirm inclusion of all people, and we celebrate the diversity with which God created our world and all living things. LGBT people are children of God and are entitled to equal protection in the eyes of the law. In the workplace people should be judged by their performance, not their sexual orientation or gender identity.*
>
> *Our concern is spiritual, based on our faith: God desires human beings to be treated justly. Now is the time to Make Lincoln Fair.*

This statement has been signed by the following clergy:

Rev. Karla Cooper, Rev. Susanna DesMarais, Rev. Melissa Finlaw Draper,
Rev. Roddy Dunkerson, Rev. Nancy Erickson, Rev. Nancy Flader,
Rev. Kimberly Hinrichs, Rev. Jim Keck, Rev. Jim Keyser, Rev. Renae Koehler,
Rabbi Craig Lewis, Rev. David Lux, Rev. Carole Lunde, Rev. James Miller,
Rev. Larry Moffet, Rev. Kenneth Moore, Rev. Jamie Norwich McLennan,
Rev. Jay Schmidt, Laura Shennum, Rev. Bob Snell, Father Jerry Thompson,
Rev. Richard Turner, Rev. Galen Wray

Not only clergy, but many in our congregations favor this. I myself have received numerous expressions of encouragement from parishioners for supporting this amendment. In particular one woman thanked me and told me that her son had left Lincoln because he was afraid of being outed at work and being fired. As she told me this, even years after the fact, I could hear the pain in her voice and see in her eyes the anguish of knowing that her son had felt forced to flee his hometown to find work where he would be safe.

We Lincolnites are bigger than that, better than that. One of our basic values is that everyone deserves to be treated fairly. It's time we wrote that traditional value into our public policy. I urge you to adopt this ordinance and Make Lincoln Fair.

REALTORS® ASSOCIATION
OF LINCOLN

April 30, 2012

Lincoln City Council
555 So. 10th Street, Room 111
Lincoln, Nebraska 68508

Dear Council Members:

I am writing on behalf of the REALTORS® Association of Lincoln in support of the proposed Fairness Ordinance.

The National Association of REALTORS®, over 1 million members strong, amended Article 10 (Duties to the Public) of the REALTOR® Code of Ethics and Standards of Practice to include sexual orientation as a protected class in November of 2009. The REALTORS® Association of Lincoln also recently amended the discrimination policy included in their real estate contracts to include protection against discrimination based on sexual orientation.

We are dedicated to the protection and preservation of the individual and collective rights to own real property as guaranteed by the Constitution of the United States and the State of Nebraska. No person should have their right to rent or purchase shelter of choice abridged because of race, color, religion, sex, handicap, familial status, national origin, ancestry, marital status or sexual orientation.

To put it quite simply, REALTORS® believe in the fair treatment of all. Included in our pledge is, "To act fairly towards all in the spirit of the Golden Rule." To treat others the way you would want to be treated. We appreciate the City of Lincoln and Mayor Beutler for believing the same and proposing the amendments to Title 11 of the Lincoln Municipal Code relating to Equal Opportunity.

With regards,

Nicole D. Jensen
Executive Vice President
REALTORS® Association

Cc: Mayor Chris Beutler

8231 Beechwood Drive • Lincoln, NE 68510-2678 • Phone: 402.441.3620 • Fax: 402.441.3630

Testimony to Lincoln City Council on Fairness Ordinance
May 7, 2012
Debra A. Hope, Ph.D.

Good Afternoon. Thank you for the opportunity to address the Council.

My name is Debra Hope and I am a licensed clinical psychologist, UNL faculty member and Clinical Director for the UNL Weibling Project for the Psycholegal Study and Treatment of Discrimination. I would like to share with you a summary of the peer-reviewed scientific literature studying discrimination based on sexual orientation and gender identity to explain how discrimination impacts mental health and well-being.

First, as already mentioned, in both local research and in national scientific surveys, gay, lesbian and bisexual individuals report experiences of unfair discrimination due to their identity in the workplace, schools and housing that interferes with their ability to live happy, productive lives. For LGBT individuals, discrimination is not a myth.

Second, without legal protection, individuals who identify as gay, lesbian, bisexual and transgender often need to conceal their identity to maintain their job or living arrangements, and sometimes protect their physical safety, even if they do not experience actual discrimination. Concealing their identity is an everyday stressor – not a onetime event--no family photos on one's desk at work, being careful not to mention too many details from weekend social events, concealing a partner's gender by switching pronouns, hiding the normal joys and sorrows of family life from one's coworkers. The research shows that the stress of this concealment takes a psychological toll over time, impacting both physical and mental health and well-being.

Third, other research shows that ordinances such as the one you are considering here today are effective in reducing even subtle discrimination. For example, studies show that individuals who are perceived to be gay or lesbian are treated more fairly, even when making a simple inquiry about a retail job opening, in communities that have a fairness ordinance compared to an adjacent and similar community without such an ordinance.

To summarize, the scientific literature is clear that discrimination based on sexual orientation and gender identity occurs, concealment of one's identity due to fear of discrimination causes real and measurable harm itself, and the action you are considering here today will likely have a significant positive impact reducing obvious as well as subtle acts of discrimination for LGBT individuals in our community.

Thank you.

Debra Hope, PhD
Professor
Department of Psychology, University of Nebraska Lincoln
dhope1@unl.edu
402.472.3196

For more information on the Weibling Project
Richard Wiener, PhD
Director, Weibling Project for the Psycholegal Study and Treatment of Discrimination
rwiener2@unl.edu
402.472.1137
University of Nebraska-Lincoln

http://psychology.unl.edu/weibling

Fairness Ordinance Testimony

Beatty Brasch
Exec. Dir
Center for People in Need
3901 N. 27th
Lincoln, Ne 68502

I am proud to lead an organization that has policy in place that ensures gay, lesbian, and bisexual people have the same rights to a job as anyone else. The Center for People in Need recognizes that all hardworking people in Lincoln, including those who are gay or transgender, should have the chance to earn a living and provide for themselves and their families. No one should have to live in fear that they could be legally fired for reasons that have nothing to do with their job performance — especially in this uncertain economic climate.

The Center's policy has not led to issues or lawsuits. In fact, we believe our policy allows us to attract talented people who want to work in an open and inclusive environment. It also sends the right message to our clients. A City ordinance would have the same impact on workers' perceptions of Lincoln. Keep in mind that our City has to compete with other communities for talented workers and many of those cities have protections in place based on sexual orientation.

It's important to understand that because of social and cultural biases, many people directly affected by discrimination based on sexual orientation have been reluctant to report discriminatory behavior directed at them. Moreover, they may have found little support and no easy access to any informal or formal means of redress in the past. And many have been afraid that complaining might lead to further discrimination such as ostracism, absence of promotions, or refusal to provide good letters of reference.

An ordinance that protects the employments rights of gay people creates a better workplace for all of Lincoln's citizens. It's the fair thing to do.

Fairness Ordinance Testimony

Michael Dunn
Association of Students of the University of Nebraska
Government Liaison Chair

My name is Michael Dunn, I am a senior at the University of Nebraska-Lincoln, and I currently serve as the Government Liaison Chair for ASUN, and as such I am testifying on behalf of the Association of Students of the University of Nebraska. We believe that we must protect all of our students, including those part of the LGBTQ community. The University student body and the City of Lincoln are intrinsically linked. We live here, play here and a large number of us work here as well. For many students, a job in the city is how they pay for tuition or college expenses in an era where costs are consistently rising on a year-to-year basis. It is unfair that a student may be forced to endure a harmful work environment because they can't afford to leave and they fear speaking about it. This can lead to unnecessary stress and burden for a person that already has to attend classes and study for exams. It is unfair that a competent employee may be fired because of an employer decides they don't like an attribute about them that has no bearing on the work environment. Students who depend on jobs to pay for school may have to drop out of college as a result. The average amount that an LGBT student must personally provide to pay for school is, on average, higher than a straight student and so without employment they are especially at risk for being unable to pursue higher education.

In addition to being unfair for students, the lack of protections are unfair for the Lincoln community as a whole. The lack of a fair city means that potential students who are gay may not choose to attend UNL because they fear an unsafe environment. By not passing this ordinance, the city would be missing out on potential new talent coming into the city. In many instances, LGBT students, especially those who have faced discrimination the work place, that attend school in this city choose to leave it in favor of cities who are more inclusive to them. As a result the State and the City are losing out on many qualified, talented people who could be working in private businesses to enhance the city. On behalf of the student government at the University of Nebraska-Lincoln, I urge the City Council to pass the Fairness Ordinance to help protect our students and to allow the City of Lincoln to better collect on the benefits that housing an excellent public University like the UNL can provide.

May 7, 2012
Lincoln City Council-Fairness Ordinance

YWCA Lincoln
Andrea Snowden
6811 Ash Hollow Ln
Lincoln, NE 68516-2982

My statement reflects the mission of the YWCA Lincoln and the intention of the Board of Directors to support passage of this ordinance.

The YWCA Lincoln is dedicated to promoting peace, justice, freedom and dignity for all. We encourage this city council to pass the Fairness Ordinance to ensure ALL people have equal access and opportunity in employment and public accommodations.

Employees should be judged by their performance and not by their sexual orientation. In a study released this past February by the University of Nebraska Medical Center College of Public Health nearly 1/3 of the respondents reported some job discrimination because of their sexual orientation or gender identity.

Capable and productive employees should be recognized fairly for those efforts and rewarded for their contributions. They should never fear discrimination for who they are.

Expanding current policy that protects Lincoln workers from discrimination based on race, sex, religion, national origin or disability to include sexual orientation and gender identity is the right thing to do to give all Lincoln workers access to the same opportunities, benefits and protections.

The YWCA Lincoln supports this ordinance because we believe a just society is one in which all citizens are treated with fairness and dignity.

Thia Hartley, Board President
PFLAG Cornhusker Chapter
1300 G Street #101E
Lincoln, NE 68508

My name is Thia Hartley. I have a gay family member that I love more than life itself. I am the president of the Lincoln Chapter of Parents, Families and Friends of Lesbians and Gays. PFLAG was established in Lincoln in 1981. I've been a member since 1990. PFLAG holds monthly meetings where lesbian, gay, bisexual and transgender (LGBT) people and their family members come to be educated and receive support. It is rare for us to hold a monthly meeting where there is not a new to PFLAG person in attendance.

PFLAG has the distinction of having worked with more LGBT people in Lincoln than any other organization. I personally have talked to hundreds of LGBT people and their family members. Each person is unique but their stories have some similarities.

People tell us that they know at an early age that they are different. When they are old enough to put words to it, that difference is that they are LGBT. Most parents tell us it was not a total surprise when their child told them they were LGBT. Unfortunately as a direct result of a society that is not yet free, most people have thought about suicide solely because they are LGBT.

If their workplace includes sexual orientation and gender identity in a non-discriminatory policy, adults tell us they are grateful that they can work without the fear of being fired because they display a picture of their loved one on their work desk. Straight people take that for granted.

If their workplace does not include sexual orientation and gender identity in a non-discriminatory policy, people tell us they are fearful of being fired only because they are LGBT. Think about how it would be to live in fear of losing your job every day of your life. It's not an unfounded fear. PFLAG has heard from scores of people who have been fired only because they are LGBT.

Finally, many of our young people tell us that they plan to complete their education and then leave Lincoln to move to communities that are more supportive. Lincoln can't afford to lose our young people.

PFLAG urges the City Council to pass the Fairness Ordinance; so in addition to other classes protected by law, LGBT people in Lincoln can work and support themselves and their families. We all should have the right to work. Thank you.

Cities & Counties with Non-discrimination Ordinances that Include Gender Identity
Source: Human Rights Campaign

As of January 25, 2012 at least 162 cities and counties prohibit employment discrimination on the basis of gender identity in employment ordinances that governed all public and private employers in those jurisdictions. This list does not include those cities and counties that prohibit discrimination on the basis of gender identity for city and county employees — such policies do not affect private employers in those jurisdictions.

Cities and Counties that Prohibit Discrimination Based on Gender Identity in Public and Private Employment, By State (Year Effective).

Arizona
Tucson, City of 1999

California
Allegheny, County of 2009
Los Angeles, City of 1979
Oakland, City of 2005
San Diego, City of 2003
San Francisco, City of 1994
San Jose, City of 2002
Santa Cruz, City of 1992
Santa Cruz, County of 1998
West Hollywood, City of 1998

Colorado
Boulder, City of 2000
Denver, City of 2001

District of Columbia
Washington, City of 2006

Florida
Broward, County of 2008
Dunedin, City of 2002
Gainesville, City of 2008
Gulfport, City of 2005
Key West, City of 2003
Lake Worth, City of 2007
Leon, County of 2010
Miami Beach, City of 2004
Monroe, County of 2003
Oakland Park, City of 2007
Palm Beach, County of 2007
Tampa, City of 2009
Volusia, County of 2011
West Palm Beach, City of 2007.

Georgia
Atlanta, City of 2000
Decatur, City of 2002

Illinois
Bloomington, City of 2002
Carbondale, City of 2005
Champaign, City of 1977
Chicago, City of 2002
Cook, County of 2002
Decatur, City of 2002
DeKalb, City of 2000
Evanston, City of 1997
Peoria, City of 2003
Springfield, City of 2003
Urbana, City of 1979.

Indiana
Bloomington, City of 2006
Evansville, City of 2011
Indianapolis, City of 2005
Marion, County of 2005
Monroe, County of 2010

Iowa
Council Bluffs, City of 2008
Iowa City, City of 1995
Johnson, County of 2006
Waterloo, City of 2007

Kansas
Lawrence, City of 2011

Kentucky
Covington, City of 2003
Jefferson, County of 1999
Lexington-Fayette, County of 1999
Louisville, City of 1999

Louisiana
New Orleans, City of 1998

Massachusetts
Boston, City of 2002
Cambridge, City of 1997
Northampton, City of 2005

Maryland
Baltimore, City of 2002

Howard, County of 2011
Montgomery, County of 2007

Michigan
Ann Arbor, City of 1999
Detroit, City of 2008
East Lansing, City of 2005
Ferndale, City of 2006
Grand Rapids, City of 1994
Huntington Woods, City of 2002
Kalamazoo, City of 2009
Lansing, City of 2006
Saugatuck Township 2007
Saugatuck, City of 2007
Traverse, City of 2011
Ypsilanti, City of 1997

Minnesota
Minneapolis, City of 1975
St. Paul, City of 1990

Missouri
Clayton, City of 2011
Columbia, City of 2011
Kansas City, City of 2008
Olivette, City of 2011
St. Louis, City of 2010
University City, City of 2005

Montana
Missoula, City of 2010

New York
Albany, City of 2004
Buffalo, City of 2002
Ithaca, City of 2003
New York, City of 2002
Rochester, City of 2001
Suffolk, County of 2001
Tompkins, County of 2005

Ohio
Akron, City of 2009
Bowling Green, City of 2008
Cincinnati, City of 2006
Cleveland, City of 2009
Columbus, City of 2008
Dayton, City of 2007
Oxford, City of 2008
Summit, County of 2009
Toledo, City of 1998
Yellow Springs, Village of 2009

Oregon
Beaverton, City of 2004
Bend, City of 2004
Benton, County of 1998
Corvallis, City of 2007
Hillsboro, City of 2006
Lake Oswego, City of 2005
Lincoln City 2005
Multnomah, County of 2001
Portland, City of 2000
Salem, City of 2002

Pennsylvania
Allentown, City of 2002
Bethlehem, City of 2011
Doylestown, City of 2011
Easton, City of 2006
Erie, County of 2002
Harrisburg, City of 1983
Haverford, Township of 2011
Jenkinstown, Borough of 2011
Lansdowne, Borough of 2006
Lower Marion, Township of 2011
New Hope, Borough of 2002
Newton, Borough of 2011
Philadelphia, City of 2002
Pittsburgh, City of 1997
Scranton, City of 2005
Springfield, Township of 2011
State College, Borough of 2007
Susquehanna, Township of 2011
Swarthmore, City Of 2006
West Chester, Borough of 2006
Whitemarsh, Township of 2011
York, City of 1998

South Carolina
Charleston, City Of 2009
Columbia, City Of 2008
Richland, County Of 2011*

Texas
Austin, City of 2004
Dallas, City of 2002
Dallas, County of 2011
El Paso, City of 2003
Fort Worth, City of 2009

Utah
Alta, City of 2011
Grand, County of 2010
Harrisville, City of 2012
Logan, City of 2010
Park City, City of 2010
Salt Lake, City of 2009
Salt Lake, County of 2010
Summit, County of 2010
West Valley, City of 2010
Midvale, City of 2011
Moab, City of 2011
Murray, City of 2011
Ogden, City of 2011
Taylorsville, City of 2010

Washington
Burien, City of 2005
King, County of 2006
Olympia, City of 2005
Seattle, City of 1986
Tacoma, City of 2002

Wisconsin
Dane, County of 2001
Madison, City of 2000
Milwaukee, City of 2007

West Virginia
Charleston, City of 2007

***The policy does not include private employment.**

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Legal Memo on Constitutionality of Nondiscrimination Laws

Constitutionality of State and Local Non-Discrimination Laws
January 13, 2012

This memorandum summarizes the basis and scope of governmental authority to implement laws prohibiting discrimination on the basis of sexual orientation, gender identity, and gender expression. Numerous states, cities, and counties across the United States have successfully implemented such statutes, illustrating that statutory protections for lesbian, gay, bisexual, and transgender people do not infringe on religious freedom or other First Amendment rights, nor has their implementation and enforcement resulted in significant drains on public or private resources.

I. States and Localities Have Authority To Pass and Implement Protections Against Discrimination On the Basis of Sexual Orientation and Gender Identity/Expression

The Supreme Court has repeatedly affirmed the authority of states and localities to prohibit discrimination in employment, housing, and public businesses (also known as public accommodations). For example, in *New York State Club Association v. City of New York*, 487 U.S. 1 (1988), the Court upheld New York City's local law prohibiting discrimination on the basis of sex and other protected characteristics by public accommodations and rejected a challenge by social and service clubs who contended that such a law infringed their rights to expressive association and their religious freedom. Similarly, in *Roberts v. United States Jaycees*, 468 U.S. 609 (1984), the Court upheld a Minnesota statute that banned discrimination in public accommodations on the basis of sex and other protected characteristics, citing the state's compelling interest in eradicating discrimination. The Court reiterated that state civil rights protections, including California's broad statute banning discrimination in public accommodations based on various protected characteristics, are appropriate in service to the state's compelling interest in combating discrimination, despite potential conflict with expressive or associational preferences, in *Board of Directors of Rotary International v. Rotary Club of Duarte*, 481 U.S. 537 (1987).

The Supreme Court has also held that state laws banning discrimination on the basis of sexual orientation "are well within the State's usual power to enact when a legislature has reason to believe that a given group is the target of discrimination, and they do not, as a general matter, violate the First or Fourteenth Amendments." *Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston*, 515 U.S. 557, 572 (1995). Although the Court in ultimately decided against the plaintiff in this case because it found that a parade was so much an expressive act that the First Amendment prohibited application of nondiscrimination laws to force the parade's organizers to accept speakers they did not want to include, this decision affirms that states have authority to prohibit discrimination in public accommodations, including discrimination on the basis of sexual orientation.[1]

[1] *Hurley* also illustrates that states hsave authority to implement anti-discrimination protections that extend to characteristics not already protected under federal anti-discrimination laws. *See also Roberts*, 468 U.S. at 624 (noting that many states instituted laws against racial discrimination prior to the federal government's enactment of equivalent protections on the basis of race); *Romer v. Evans*, 517 U.S. 620, 627-30 (1996) (describing extant Colorado state and local "modern anti-discrimination laws" that prohibited discrimination based on sexual orientation and/or other traits before rejecting on federal equal protection grounds an amendment to state constitution that would have nullified all such state

There is "reason to believe" that lesbian, gay, bisexual, and transgender (LGBT) people are "targets of discrimination" (as the Court noted in *Hurley*) in every state and locality across the United States. Evidence abounds that LGBT people continue to experience discrimination in employment, housing, and public accommodations, among other contexts. For example, a 2011 UCLA report determined that 27% of lesbian, gay, and bisexual people across the United States had experienced some form of sexual orientation discrimination in the workplace in the five years before they were surveyed, including 7% who had lost a job because of their sexual orientation, and that 78% of transgender people across the United States had experienced employment discrimination related to their gender identity in the preceding five years.[2] Another national study found that among transgender and gender non-conforming people, 47% had experienced an adverse job action related to their gender identity, 59% had experienced adverse treatment in an educational setting related to their gender identity, and 44% had been denied service or equal treatment in a public accommodation.[3] Substantial data exists to support legislative findings that LGBT people are currently experiencing discrimination, which in turn form valid bases for legislation prohibiting such discrimination.

Within this general authority recognized by the Supreme Court, localities' specific authority to pass and implement anti-discrimination laws of their own varies by state. In some states, constitutional or statutory provisions regarding "home rule" either explicitly give cities the authority to pass local civil rights laws banning discrimination by employers and other entities within their borders, or have been interpreted to do so. In other states, more explicit state authorization may be required for a locality to pass its own anti-discrimination provisions that are broader than the protections that exist at the state level. Localities must also consider questions of enforcement, as they may or may not have authority to create a private right of action in state court for victims of discrimination to seek redress. In the event that localities cannot create a private right of action, they may instead elect to establish procedures for a Human Rights Commission or similar municipal administrative body to receive and review complaints of discrimination filed pursuant to the anti-discrimination ordinance, and to impose civil fines on entities found in violation. Some localities have chosen to make specific types of discrimination criminal offenses, subject to investigation by the police and prosecution by the district attorney, and punishable by criminal fines.

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and local sexual orientation protections).

[2] Brad Sears and Christy Mallory, Williams Institute, UCLA School of Law, *Documented Evidence of Employment Discrimination & Its Effects on LGBT People* (July 2011), http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-2011.pdf.

[3] Jaime M. Grant et al., National Center for Transgender Equality and National Gay and Lesbian Task Force, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (2011), http://transequality.org/PDFs/NTDS_Report.pdf

II. Entities Regulated By State and Local Anti-Discrimination Laws Retain First Amendment Rights

While the government has broad authority to pass anti-discrimination protections to ensure that residents have access to basic opportunities like housing, employment, and access to public businesses operating within the state or locality free from discrimination, the First Amendment protects individuals' freedom of religion, freedom of speech, and freedom of association. Individuals and organizations that are fundamentally religious or expressive in nature retain these cherished rights in jurisdictions where anti-discrimination laws regulate certain types of commercial activity.

State and local laws that prohibit discrimination regulate certain commercial conduct: for example, decisions about hiring, firing, promotion and treatment of employees in the case of laws against discrimination in employment, decisions regarding the sale or rental of housing and mortgage approval in the case of laws against discrimination in housing, and decisions on whether and how to serve customers in the case of laws against discrimination in public accommodations. Entities choosing to participate in the public marketplace are already subject to various prohibitions on discrimination, and expanding these prohibitions to include discrimination on the basis of sexual orientation and gender identity is consistent with existing First Amendment protections and guarantees.

First, explicit exceptions in anti-discrimination statutes ensure that they only regulate commercial conduct; for example, most laws banning discrimination in housing do not apply to rental of owner-occupied housing with a small number of units, ensuring that no homeowner is penalized for exercising discretion in choosing with whom to share his or her private living space. Moreover, laws prohibiting discrimination in employment typically explicitly exempt religious entities' hiring of individuals to perform overtly religious duties, such as priests, pastors or imams. Because these types of exemptions are already present in federal law as well as the law of many states and localities, using the same exceptions in in bills that prohibit discrimination on the basis of sexual orientation and/or gender identity will maintain the status quo. There is no need for any new or different exceptions for anti-LGBT discrimination.

In addition to raising concerns about religious freedom, some opponents of anti-discrimination laws claim that barring public accommodations from engaging in anti-LGBT discrimination will interfere with private organizations' rights to free speech and freedom of association. This argument too has no merit. The term "public accommodation" is unfamiliar to many Americans. Any business that is open to the general public typically constitutes a public accommodation, although there are slight variations among state and local definitions.[4]

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[4] For example, the federal Civil Rights Act of 1964, codified as amended at 42 U.S.C. §12181, which bans discrimination on the basis of race, religion, or national origin in public accommodations, defines a public accommodation as any of the following whose operations affect commerce:

(A) an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;

(B) a restaurant, bar, or other establishment serving food or drink;

(C) a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;

(D) an auditorium, convention center, lecture hall, or other place of public gathering;

(E) a bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;

(F) a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;

(G) a terminal, depot, or other station used for specified public transportation;

(H) a museum, library, gallery, or other place of public display or collection;

(I) a park, zoo, amusement park, or other place of recreation;

The government's authority to prohibit discrimination by public accommodations is well-established. *See, e.g.*, *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964) (upholding constitutionality of provision in federal Civil Rights Act barring racial discrimination by public accommodations). Public accommodations typically implicate local and/or interstate commerce, and governments have compelling interests in ensuring that all citizens can support their families, travel, and participate freely in public life by utilizing public accommodations, including but not limited to restaurants, grocery stores, gasoline stations, transportation terminals, hotels and motels, medical facilities, parks, and concert halls.

Arguments that such businesses have a constitutional right to discriminate have been raised in the past, and have been routinely rejected by the courts. For example, in *Newman v. Piggie Park Enterprises, Inc.*, the Fourth Circuit Court of Appeals rejected arguments by a South Carolina restaurateur that his chain of drive-in barbecue joints was entitled to refuse service to African-Americans, holding instead that the restaurants were public accommodations subject to the Civil Rights Act prohibition of such discrimination. 377 F.2d 433 (4th Cir. 1967); *aff'd on other grounds*, 390 U.S. 400 (1968). In the *Roberts* and *New York State Club Association* decisions discussed above, the Supreme Court similarly upheld prohibitions on sex discrimination in public accommodations that had been implemented by the State of Minnesota and the City of New York, respectively. 468 U.S. at 617-631 ; 487 U.S. at 10-15.

Unlike a public accommodation that has elected to open its doors to members of the public at large, a private organization with a primarily expressive mission has a constitutional right to exclude participation on the basis of protected characteristics such as race, religion, or sexual orientation, which is not affected by state or local nondiscrimination statutes. In *Hurley*, 515 U.S. 557 (1995), the Supreme Court held that although the annual St. Patrick's Day parade in Boston had originally been sponsored by the City and public in nature, at the time the plaintiff organization brought suit seeking to enjoin its exclusion from the parade, the parade was a private expressive undertaking. Accordingly, the private group organizing it was permitted to choose the message(s) the parade would convey, and could choose to exclude a group whose purpose was to increase visibility and acceptance of gay, lesbian, and bisexual individuals within the Irish-American community in Boston. Similarly, in *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000), the Supreme Court found the Boy Scouts of America to be a private entity that had expressive goals and was entitled to exclude openly gay individuals based on its belief that homosexuality was inconsistent with the messages the organization sought to convey. Unlike the restaurants in *Piggie Park Enterprises*, the Boy Scouts of America in *Dale* and the veterans' organization in *Hurley* were not primarily engaged in a commercial enterprise, and accordingly their activities were afforded more First Amendment deference. The *Hurley* and *Dale* decisions illustrate that private expressive activity retains First Amendment protections in jurisdictions where prohibitions on sexual orientation discrimination in public accommodations take effect.

(J) a nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;

(K) a day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and

(L) a gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

Although private expressive groups should not be denied the ability to exclude individuals who might impair their message, barring public accommodations—private businesses that are open to the public at large—from discriminating against potential customers or employees is well within the scope of governmental authority. *See, e.g.*, *Newman v. Piggie Park Enterprises*, 377 F.2d 433 (4th Cir. 1967); *aff'd on other grounds*, 390 U.S. 400 (1968).

III. Prohibitions on Sexual Orientation and Gender Identity Discrimination Have Been Successfully Implemented Throughout Much of the United States

Finally, it is worth noting that anti-discrimination laws that prohibit adverse treatment on the basis of sexual orientation and/or gender identity already cover much of the population of the United States. The numerous states and localities that have already implemented such provisions have done so successfully, without inundation by litigation and without infringement on private expressive and religious activities.

As of December 2011, sixteen states and the District of Columbia have passed statutes prohibiting discrimination against lesbian, gay, bisexual, and transgender people in the contexts of employment, housing, public accommodations, and/or education.[5] In addition, at least 136 cities, towns, and counties—ranging from New York City and San Francisco to Louisville, Missoula, Council Bluffs, Grand Rapids, Akron, and Allentown—have passed equivalent local ordinances.

None of these statutes and ordinances has resulted in the paralyzing volume of complaints that opponents claim to fear when such protections are proposed. Instead, complaints are filed at a steady but small rate, illustrating that these forms of discrimination are real and current problems but that investigation and enforcement activities will not place a major burden on either the responsible government agency or regulated entities. An analysis of employment discrimination complaints received by state enforcement agencies between 2003 and 2007 found that such complaints were filed at an average rate of 2.8 per ten thousand lesbian, gay, or bisexual employees of state government, 3.2 per ten thousand lesbian, gay, or bisexual employees in local government, and 4.1 per ten thousand lesbian, gay, or bisexual employees in the private sector.[6] These rates are similar or lower than the average ratio of sex discrimination complaints and race discrimination complaints to female employees and employees of color, respectively. Gender identity discrimination complaints are filed even less frequently.[7] Evidence from jurisdictions that already provide the protections disproves contentions that anti-discrimination laws covering LGBT people will result in extensive controversy and litigation.

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[5] These states are California, Colorado, Connecticut, Hawaii, Illinois, Iowa, Maine, Massachusetts (law passed in November 2011 and will take effect July 1, 2012), Minnesota, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington.

[6] Brad Sears and Christy Mallory, Williams Institute, UCLA School of Law, *Evidence of Employment Discrimination on the Basis of Sexual Orientation in State and Local Government: Complaints Filed with State Enforcement Agencies 2003-2007* (July 2011), http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-DiscriminationComplaintsReport-July-2011.pdf, at 1-2. In most states, filing such a complaint and receiving a favorable decision from the state agency is a prerequisite to filing a lawsuit under anti-discrimination laws, such that the numbers of suits alleging sexual orientation discrimination are even smaller than the number of administrative complaints filed.

[7] *See id.*, 3 (noting very small numbers of complaints to state agencies alleging gender identity discrimination in employment); Minnesota Department of Human Rights, *How Minnesota Protects Gender Identity: When Gender and Gender Identity Are Not the Same* (Nov. 2006), http://www.humanrights.state.mn.us/education/articles/rs06_4gender_protections.html (noting that from statute's passage in 1993 to 2005, the state received a total of 47 complaints of gender identity discrimination in employment, housing, public accommodations, public education, or business and credit).

In summary, anti-discrimination laws that protect lesbian, gay, bisexual, and transgender people allow balancing of states and localities' compelling interest in eradicating historical discrimination in such areas as employment, housing, and public accommodations access with the rights of individuals and private organizations to free expression, free association, and free exercise of religion. Numerous states and localities have already implemented such laws without incident, demonstrating that they are both practically feasible and constitutional.

HUMAN RIGHTS CAMPAIGN GREENBERG QUINLAN ROSNER RESEARCH

August 9, 2011

Support for Equality in Nebraska

To: Interested Parties

From: The Human Rights Campaign
Greenberg Quinlan Rosner Research

A recent survey of 616 adults in Nebraska shows broad support for expanding legal protections for the LGBT (lesbian, gay, bisexual and transgender) community in this deeply conservative state. On questions ranging from employment discrimination, to adoption, to anti-bullying legislation, to establishing domestic partnerships for same-sex couples, impressive majorities of Nebraska residents are committed to changing laws to increase equality for gay, lesbian, bisexual transgender people across the state. Indeed, the state is well ahead of Nebraska politicians on these issues.

But even more impressive is the growing social equality of the LGBT community. At one time, this community was defined by media-driven stereotypes. It is now defined by gay neighbors, gay co-workers, gay friends, and gay relatives. A 60 percent majority of the state know at least one gay or lesbian person. Not only do huge majorities of Nebraska residents believe they could be close friends with a gay man or lesbian, but a majority would not be bothered if one of their children or grandchildren turned out to be gay.

As is the case with the rest of the country, Nebraska has not fully embraced the equality of the LGBT community. There is still work to do. A majority oppose marriage equality in this state and reactions to gay and lesbian people in general are mixed. But the state, like the country, has changed.

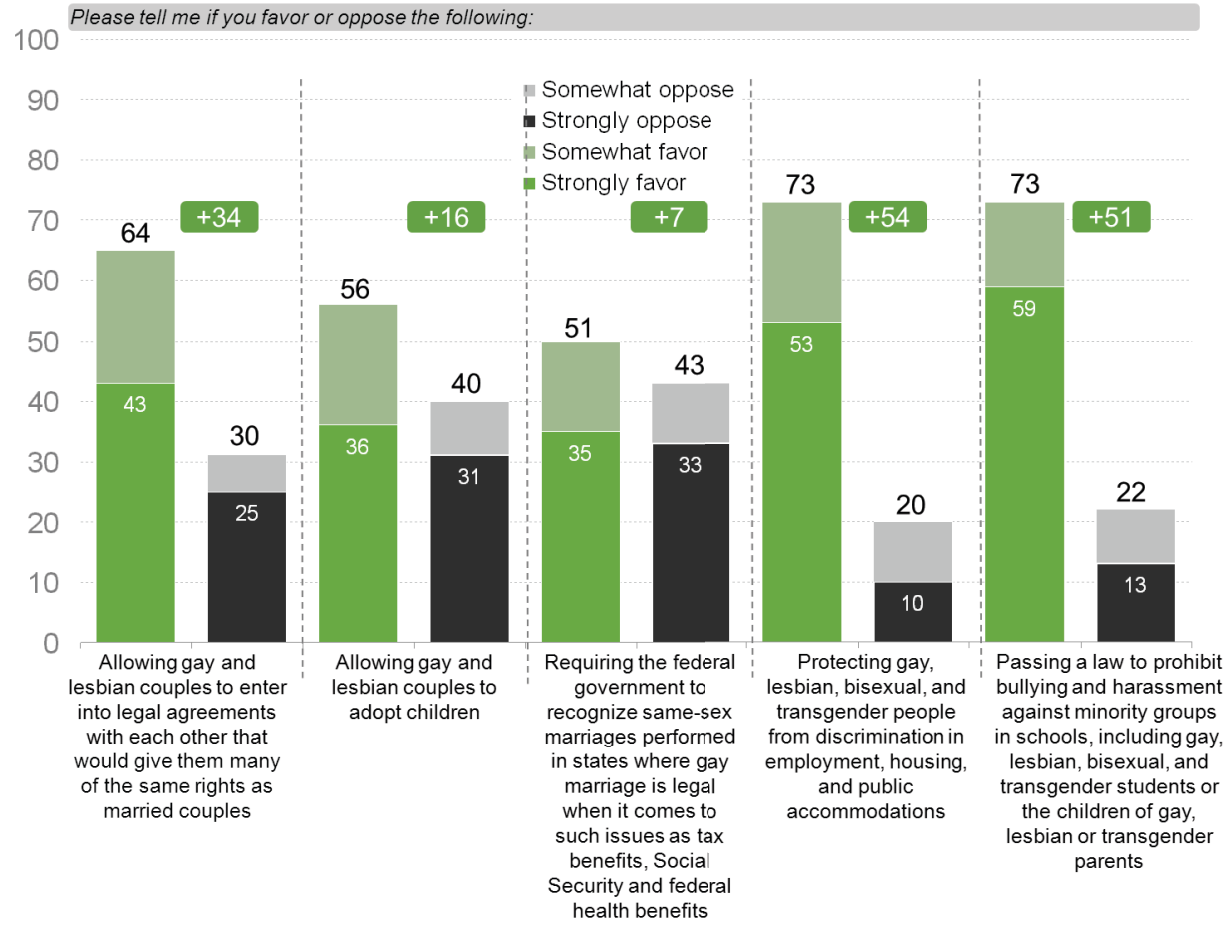
This memorandum summarizes the results of a survey of 616 Nebraska adults taken between August 2 and 4, 2011 with an oversample of 200 adults in the city of Omaha. The total sample in the city of Omaha stands at 300 counting both the base sample and oversample. The survey was commissioned by the Human Rights Campaign and executed by Greenberg Quinlan Rosner Research. It carries on margin of error of +/- 4.00 at a 95 percent confidence level.

Main Findings

Nebraska residents strongly support basic civil rights protections for lesbian, gay, bisexual and transgender people.

- A 73 percent majority of Nebraska residents recognize discrimination is a problem in our country and 32 percent describe it as a major problem.
- In the state of Nebraska, as is the case in 29 other states, it is perfectly legal to fire someone for being gay. This reality does not sit well with Nebraska residents, as 73 support protecting gay, lesbian, bisexual and transgender people from discrimination in employment, housing and public accommodations.
- In the city of Omaha, which is currently debating a city ordinance banning employment discrimination, support increases to 78 percent.
- Nebraskans strongly support laws prohibiting bullying, a majority support allowing gay or lesbian couples to adopt children and support domestic partnerships that confer many of the rights and protections of marriage to same-sex couples.

Figure 1: Support for Civil Rights Protections



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Nebraska is in a different place when it comes to marriage equality.

- In HRC's national survey, 51 percent supported allowing gay and lesbian couples to marry legally, one of three surveys taken this year showing a pro-marriage majority. In Nebraska, however, residents oppose marriage by a 51 to 42 percent margin.
- However, younger residents support marriage equality 73 to 25 percent. Support reaches a 58 percent majority among women under 50 and 54 percent among people who know at least one gay or lesbian person.
- A 76 percent majority believe same-sex marriage will eventually be legal and 49 percent believe it will be legal within the next ten years.

Legal equality springs from the growing social equality in the state.

- A 60 percent majority of Nebraska residents know a gay or lesbian individual, 70 percent in Omaha.
- A 69 percent majority of Nebraska men say they could be "close friends" with a gay man and 76 percent of Nebraska women could be close friends with a lesbian.
- A third (33 percent) of Nebraska residents describe themselves as "more accepting" of lesbian, gay, bisexual and transgender people over the last five to ten years, only 9 percent are less accepting. Among Republicans, 33 percent are more accepting, just 13 percent less accepting.
- Perhaps most strikingly, 56 percent say they would not be bothered if one of their children or grandchildren turnout to be gay, including 64 percent of Catholic voters, 67 percent among people who know someone gay or lesbian, 57 percent among women over 50 and even 42 percent among Republicans.

Conclusion

The support we see for expanding legal protections for the LGBT community reflects a state trying to be fair and humane to people they know: their friends, their neighbors, their coworkers. It is important to recognize that much work remains to be done in this state. A majority opposes marriage equality; it is still legal, even in Omaha, to fire someone for being gay. The support we see for gay and lesbian people does not always equate to similar levels of support for bisexual of transgender people. However, the state of Nebraska, like the country as a whole, has come a long way.

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Stories of Discrimination & Need for the Fairness Ordinance

Suzanne

In 1981, my father was a member of the Lincoln City Council. One of its members proposed a human rights ordinance, which would include "sexual orientation" as a protected class for the city of Lincoln.

I had just discovered a year earlier that I was gay. I "came out" to my parents, in order to let my father know that if he voted against this ordinance, he would be voting against me as a gay woman.

The city council voted to make the ordinance one in which the entire city of Lincoln would vote for or against it. This was 1981, and the good citizens of Lincoln voted overwhelming AGAINST making this human rights ordinance a law.

Now, over 30 years later, the wheels of justice are grinding ever so slowly in the city of Lincoln. We, again, have the chance to make fairness and human rights a matter of public law. This time around, let's do the right thing.

My father and mother are no longer alive to witness how Lincoln, after 30 years, might possibly become one of the fairest cities in the nation. If it does, I think they would be pleased, for, despite their Republican leanings, they both supported fairness in all of its forms.

Bill

Reading comments regarding the Fairness Ordinance article on the Journal-Star, I saw one of the writer ask why we needed the ordinance when there are no statistics on discrimination in the workplace to justify the need for the ordinance. There are no statistics because GBLT workers had/have no recourse. I heard multiple times of cases where GBLT workers have been harassed/bullied by coworkers, supervisors, managers, etc for no other reason than their sexual orientation.

12 years ago, after working for the same department on the UNL campus, two co-workers fabricated a story in an attempt to force me from the position I held. None of the allegations had anything to do with my job performance whatsoever, nor was there any truth to the allegations. I was suspended from my managerial position. I was given the option to resign from my position to avoid an investigation accusing me of sexual harassment of a subordinate [someone who was also upset by the allegations because they weren't true and he wasn't a party to the fabrication]. I wasn't 'out' at the time and was forced 'out'.

I was on suspension for two weeks and was offered a position with another department. The director of the knew department knew of the entire allegation, and for that matter is the first person I really came out to.

The terms for me transferring from one department to the other was the Vice-Chancellor over the Police Department had to approve. He refused to allow the transfer, refusing to lose me from his division. [In retrospect, that made me fight for my job.

This was at the University of Nebraska. They have had a inclusive non-discrimination policy for years. I do believe they are supportive at the Administrative level, but at times departments on campus are not closely monitored.

All that being said, I had an inclusive non-discrimination policy there to protect me. I can't think of 2 weeks in my life that were worse. The only thing worse that I can imagine under the circumstances is what if I had worked in the private sector of Lincoln or even another government agency that didn't have the same anti-discrimination policy.

David

This story is not about my own experience of discrimination. Rather, it is about the continuing loss of your creative, educated young adults.

I live in New England now, but my origins were in Lincoln. I graduated from Southeast. My parents graduated from Lincoln High (as did my husband's mother). I left Lincoln in 1970 and never looked back. I understood back then that there was not going to be a life for me in Lincoln. I don't even visit except for the most important family events: births, weddings, or funerals. When I do return with my husband and our daughter, I am very aware of the unspoken message LGBT youth receive when they meet us. It gets better, if you leave.

Laws do more than proscribe behavior. They also send messages. Nebraska's anti-gay constitution sends a message. I get the message that I don't belong in Nebraska. If Lincoln joins Omaha and passes the Fairness Ordinance gay folk will get the message that there just might be a place for people like us in two particular parts of Nebraska.

Patrick

I hear people ask why there needs to even be an ordinance for such protections and the first thing that comes to mind is “are you flipping kidding me”.

I’m gay, I’ve always known I was gay from day one literally. I grew up in western Nebraska a rancher’s son and I remember always having an appreciation for the same sex and wrangler jeans (that’s who I am folks). But I also remember riding in town with my father and his reminding me from time to time to watch out for that guy he’s a queer or stay away from that house a queer lives there. A constant reminder then that I was not to feel the way I did and that it was unacceptable.

Moving forward a few years, and at the age of 21 I was still successfully hiding my identity after a few “girlfriends” (poor ladies, thank you for being unknowing participants in my cover up). I had decided to go into the military, which I did proudly and served with honor and distinction for 8 years plus a few more years in the guard. Again I wish to thank the ladies who helped me unknowingly hide my identity and again I’m sorry for any heart break.

I am now 45 and have been working with a wonderful company for the last 14 years that fully supports and provides same sex or gay benefits and always has. However, this still did not keep me from hiding my identity all these years for one simple reason. I was on a mission to be the best I could be and to get promoted / recognized based on my work performance. I wanted my success to go unhindered by other people's objectivity and opinions of who I choose to go home to or what I do in my private life. I have been very successful as such an individual in hiding all this time in every way but one, being true to myself.

For years my attitudes has been one of work first, myself and my identity second, this has taken its toll on me in both physical and mental ways that I deeply regret. My health was taking its beating because I had been always internalizing my stress over who I was and what people would think. This was consequently making life harder on myself than it needed to be in order to keep my persona in place. My blood pressure had gone through the roof and other issues began to appear physically due to the internal stresses involved for such a long period of time. My attitude was beginning to worsen and I was starting see mostly negative in everything and depression was setting in. Which was unusual because I'm normally referred to as being such a nice guy and very helpful.

I have only been out for the last 3 years and even then only to my family the last year and a half and people I work with for maybe the last year. I couldn't even tell my mother or grandparents before they passed on because I was worried how they would feel or how others would treat them. I also didn't want to be the house or person that people drove by stating that a queer lives there. I don't go around shouting openly to anyone "Hey world im gay!", at work or in my private life unless I choose to share it. If you ask I will tell you if I feel it's appropriate, but I'm not going to flaunt it and I'm sure that is not the point that other gay citizens will want to do either in the work place. There are only a few people who know about me that I work with, and I can tell you that since I am now finding inner peace with myself personally and especially at work around others, I am much happier, smile more often and feel much more relaxed. Im finding my sense of normal that has been hidden for years literally over the prejudices of others and the preconception of possible dangers for being revealed as gay both at work and at home. My health is leaps and bounds better and life is wonderful beyond belief because I am happy at work and others are more comfortable around me at work because a positive change has happened that is benefitting everyone. The conversations come much easier and the laughs as well, the tension is gone and coworkers are very respectful and supportive without a big deal being made.

My point was not to make this a confession but to stress that life as an LGBT person has enough of its own worries without having to worry about making a living without being fired for something that comes naturally. We as LGBT exist everywhere now, and you may not know it. We exist in the workplace listening to sometimes demeaning comments or the exploits of last night and play along not being able to share, but to cope and absorb, to play along with. Its time to bring this ordinance to fruition in order to grow the workplace community as an honest and open community, and create healthy, stress free, productive workplaces for all individuals gay or straight. While in the process of showing the world Lincoln is a fair and respectable community for human rights and equality. That Lincoln is a place where businesses want to come to and share in the growth of an already wonderful

community. Trust me it's a much healthier work environment when everyone is happy and free to exist equally.

Shannon

I have personally experienced harassment and hostile work environments due to my sexual orientation, all while knowing there is nothing in place to offer me any real protection. As a Master's level Social Worker, I have dedicated both my education and career path to helping others and to making this community a better place. The Fairness Ordinance would not only relieve stress for workers who are not protected from discrimination due being a member of the LGBT community, it would also encourage new fair-minded businesses and individuals to make Lincoln their home. Additionally, I would be even more proud to live and work in Lincoln if there was recognition of the worth and value of ALL workers.

Lucky

I am lucky to have had the opportunity to work with progressive employers who see the need to protect all classes of citizens. My employer even goes as far as to encourage diversity in the workplace by actively seeking different people and perspectives for employment. I am openly gay at my place of employment and it has not once come up in discussion or been a point of concern among my coworkers. In fact, another woman in the office recently married her partner of 25 years. To her, and my own surprise, she was welcomed back to the office from her honeymoon with a card, a cake and warm cheers all around. Her and her partner have since been seen at work parties and events. They continue to be an active and important members of our work family.

The reality is that these things don't matter. They are points of individual identity that make us who we are. These individualities are what others celebrate when we receive awards or pass major milestones in our personal lives. My employer places high standards for our conduct in the office. My rating is based on my performance and drive. I am encouraged to take on challenges and then given support to meet those challenges. The company culture is one of friendly competition and mutual respect. I am so lucky to work in a place where I can be completely accepted and judge based on my performance rather than who I spend my time with outside of the office.

Though I have not seen the ugly face of discrimination, I wanted to share my story because the Fairness Ordinance is not about human rights or religious freedoms. It is about giving Lincolnites the opportunity to be judged by the work habits and skills not by their individual identity. Diversity should be celebrated, not condemned or shuttered. Everyone in Lincoln deserves to be respected at work and I am very blessed to have experienced this in my life.

Anonymous

I experienced very little discrimination as I transitioned in Nebraska, and I know that my case was neither common nor typical, but it was quite open and with that openness came a lot of fear - fear for my personal safety and fear for my future job prospects. And for those of us who have chosen to live our lives outside the label "transgender", that fear is big

and real. The fear of our past medical history being "found out" and then used as a reason to not hire us, or to fire us, or to hurt us physically. There are many people like myself in Lincoln. Most are watching and hoping that this ordinance passes.

Janette

I am a Transsexual woman. I started living full time on jan 1st of 2011, 2 days later I had my name changed, and the day after that I started back at the job I had been working at for 4 years, "A busy downtown convenience store".

Literally thousands of people knew me, many of them knew my name, So I had to come out to a lot of people, and try to explain what I was doing, Coming out gets easier after four or five hundred times.

The company I worked for was supportive, on the surface at the corporate level, But my boss thought it was ok to make jokes about me, and wouldn't allow me to stand up for myself. My co-workers took it upon themselves to out me to everyone they could, without my consent, and treat me as if it were some sort of joke.

As for the people of Lincoln, I had a few supporters, from the gay community, and a few very open minded people. The rest of the people I dealt with treated me as if I were a freak, some called me names "He-she" "Tranny" etc. To some I was just invisible, many just didn't come back in the store. This was all a daily event for me.

Then some fool took it upon himself to out me on craigslist in the "Missed connections" section. He titled it "Tranny at the busy gas station by the capitol". :(What could I do? That pretty much narrowed it down to me. I heard about the ad from a lot of different people, and suddenly late at night when I was working alone the store was full of creepy guys just waiting for a chance to talk to me privately. To tell me what they wanted to do to me. I became very uncomfortable.

Gender identity disorder is about gender and identity, not about sex, it doesn't make someone a hooker. I was eventually sexually assaulted at work while on a break.

I couldn't take it any longer, I needed to come out of this transition with some sort of self respect left, so I moved to Los Angeles. II am happy, I fit right in and I haven't heard one hateful comment in 9 months.

I miss Lincoln a lot, I wish things would have worked out differently. I was born there, and lived there 36 years. I hope things change there, so the next person who transitions or comes out can do it without having a bunch of ignorant hate thrown at them.

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Monday, May 07, 2012 9:13 AM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Tim Rinne
Address: 605 N. 26th Street
City: Lincoln, NE 68503

Phone: 402-475-7616
Fax:
Email: walterinne@gmail.com

Comment or Question:
Dear Lincoln City Council Members,

Nebraskans for Peace, the oldest statewide Peace & Justice organization in the entire country, urges you to support the Fairness Ordinance to protect the human rights of all Lincoln citizens. To do less is unjust.

Tim Rinne
State Coordinator
Nebraskans for Peace

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Monday, May 07, 2012 10:02 AM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Perry & Kathy Demma
Address: 207 S 9
City: Lincoln, NE 68508

Phone: 4024754060
Fax: 4024751800
Email: demmatax1@windstream.net

Comment or Question:
FAIRNESS ORDINANCE
We are opposed to your proposed ordinance. There exists today protective laws for such discrimination. What you are suggesting is to trample the rights of the majority of Lincoln citizens to enhance something that is not broken. If you vote yes for this ordinance your discrimination towards generally accepted Christian teaching will be remembered.
Perry L Demma and Katheryn A Demma

Mary M. Meyer

From: Teri Hlava [teri_hlava@yahoo.com]
Sent: Monday, May 07, 2012 10:13 AM
To: Council Packet
Subject: I support the proposed ordinance to ban discrimination - hearing this afternoon

Dear Council Members,
I fully support the ordinance proposed that would ban discrimination of gays and lesbians (GLTG) in housing and employment.
This pro-active protection is a matter of civil rights. It will not prevent discrimination, but it will cause people to take notice of fairness, protection, caring, compassion, and justice.

This ordinance is not concerned with personal beliefs of what is religious, nor should the city oppose an ordinance because specific churches consider it sinful according to the way their doctrine interprets the Bible, etc.

Sincerely,
Teri Hlava
Lincoln, NE

Telephone Messages 05.07.12

1. Nancy. Against passing the anti discrimination ordinance.
2. Tom Dirks, do not pass the Fairness Ordinance.
3. Amber Parker. Against the Fairness Ordinance.
4. Sheila Collins. Against the Fairness Ordinance.
5. Amy Birky. In support of the Fairness Ordinance.
6. Jim Lockwood. Reject the Fairness Ordinance.
7. Gretchen and Kyle Garrison. Against the Fairness Ordinance.
8. Bill Kollar. Against the Fairness Ordinance.
9. Minette Genuchi. For the Fairness Ordinance.

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Monday, May 07, 2012 10:33 AM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Charlotte Ralston
Address: 12105 West O St
City: Lincoln, NE 68528

Phone:
Fax:
Email:

Comment or Question:
Dear Council members,
I ask you to reconsider the majority vote in favor of the Fairness ordinance because of all the implications and unintended consequences that this law will open up.
Special interests given to special groups always result in less freedom for everyone else. Special exemptions given on such special interests also discriminate against those who do not get the special exemptions. The only fair way to treat people is to treat them all the same. You are not treating us all the same when you give one group special rights and another group special exemptions.

An example? The teenage boy who now claims to be a girl, has access to the girls rooms, and now my daughter has "less freedom and protection" under the law. How does this young man "prove" his claims to be a girl? What happens when he changes his mind a year later? Is he still a female under the law, or is he a male again? Can he change his mind daily? Exactly what does the ordinance do to protect the privacy rights of the girls?

Sincerely,
Charlotte Ralston

Mary M. Meyer

From: Warren Barnell [wbarnell@windstream.net]
Sent: Monday, May 07, 2012 9:29 AM
To: Council Packet
Subject: City Ordinance on Sexual Orientation

Dear City Councilmen :

I am extremely concerned about the potential ramification so the city ordinance on sexual orientation that is being considered by the city council for adoption.

As a former school administrator, I see that this ordinance would put school officials in a very difficult, if not impossible, situation in protecting the rights, privacy, and safety of their students. This ordinance would also create situations for employers that would make it extremely difficult to hire the most qualified applicant.

We already have laws against discrimination that protect individual rights. Creating protected classes promotes discrimination and violates the rights of those not in the protected class.

I believe that you have the best interest of the citizens of Lincoln at heart. Please consider very carefully the potential impact of this ordinance on the rights and safety of Lincoln citizens of all ages.

I will be extremely disappointed if you support this ordinance and will be forced to reflect my belief that you have the best interest of me, my family, and all the citizens of Lincoln at heart.

Sincerely yours,

Warren Barnell

3030 Browning

Lincoln, NE

Mary M. Meyer

From: Jon Zvolanek [jon.zvolanek@gmail.com]
Sent: Sunday, May 06, 2012 1:02 PM
To: Council Packet

May 6, 2912

Lincoln City Council,

I want to write to encourage you not support the Fairness Ordinance as it is currently written when it appears before the Lincoln City Council. I do not wish to make sexual orientation a protected class.
If you feel that you must vote for this, then the only option for those who are opposed to this based on religious grounds, is to put in a religion based exception. Failure to do so would put many at odds with their Christian Teachings much like Obama Care had to put in an exception for religion based organizations.

The State Attorney General nor the City Attorney General can agree on the ordinance….

Attorney General Jon Bruning released an opinion today stating cities, like Lincoln and Omaha, do not have the ability to expand upon the state's definition of discrimination.

"Nebraska statutes do not authorize political subdivisions in Nebraska including municipalities. Cities have no authority to expand protected classifications to include sexual orientation," said Bruning.

Regards,

Jon O. Zvolanek

6946 Ash Hollow Lane

Lincoln, NE 68516

402.770.1080

jon.zvolanek@gmail.com

MINUTES
DIRECTORS' MEETING
MAY 7, 2012

Present: Gene Carroll, Chair; Adam Hornung, Vice Chair; DiAnna Schimek; Carl Eskridge; Jonathan Cook; and Jon Camp

Absent: Doug Emery

Others: Joan Ross, City Clerk; Rick Hoppe, Chief of Staff; Rod Confer, City Attorney

Chair Carroll opened the meeting at 2:00 p.m. and announced the location of the Open Meetings Act.

I. CITY CLERK

Discussion on Fairness Ordinance and Motion to Amend available and on line. Ross added will have a sign in table for those wishing to speak. Citizens may start signing in at 2:30 p.m., with CIC helping at the table. Carroll will announce the sign in sheet from the dias. Ross added also a notation on the sign in sheet, if they're using bus transportation to indicate and will try to have those people speak early.

II. MAYOR

1. NEWS RELEASE. Open house set for safety improvement project, Tuesday, May 8, 2012.
2. NEWS ADVISORY. Mayor Beutler, Safety Director Casady, and City Attorney Confer will hold a news conference, Wednesday, May 2, 10:00 a.m., at 555 S. 10th Street to discuss future of Occupy Lincoln.
   (a) News conference moved to 10:15 a.m. on May 2, 2012.
3. NEWS RELEASE. Protestors removed from Centennial Mall. Proposed ordinances will address future occupation of public spaces.
4. NEWS RELEASE. Special showing of "Bully" to be followed by discussion.
2. NEWS RELEASE. Map of closures and detours now available on the City web site.

No comments

WEST HAYMARKET JOINT PUBLIC AGENCY

1. The West Haymarket Joint Public Agency public meeting scheduled for Friday, May 4, 2012, has been cancelled.

No comments

III. DIRECTORS

EMERGENCY MANAGEMENT, Doug Ahlberg, Director
To be rescheduled for next week, May 14, 2012.

HEALTH DEPARTMENT

1. NEWS RELEASE. Environmental Leadership Awards announced.

No comments

PLANNING COMMISSION

1. Lincoln-Lancaster County Planning Commission schedule for month of May, 2012.
2. Action by the Planning Commission, May 2, 2012.
3. Final action by the Planning Commission, May 2, 2012.

No comments

PLANNING DEPARTMENT

1. Administrative Amendments approved by the Planning Director from April 24, 2012 through April 30, 2012.

No comments

WEED AUTHORITY

1. Weed Abatement Program. Lancaster County/City of Lincoln, April 2012.
2. UNL Extension: Acreage insights, May 2012.

No comments

IV. COUNCIL MEMBERS

Cook No comment

Schimek No comment

Eskridge Stated Emergency Management Director Ahlberg, was to give update to Council this morning. Hoppe replied will reschedule for next week.

Camp Had asked Public Safety Director Casady to review the towing situation. Casady received an email from Camp, relaying a constituent's concerns on his vehicle was cited and towed on 8th Street, south side of the Capital. The person said few signs posted, and unaware of parking restrictions. Casady stated this area had probably been posted with temporary No Parking, in anticipation of the Mayor's Run. Although he didn't see the signs do know before it was heavily posted. They would have posted, and towed before noon on Saturday. Looked at the tow records and found possibly a half dozen vehicles towed that morning before noon, by the City's contractor who does all downtown parking enforcement. Casady said he had no way of knowing what signs were up at the towing time, but do suspect was good signage, usually 24 hours in advance.

Eskridge stated he works in the building, and all legislative staff received an email, cautioning employees they were towing vehicles. The signs were different than before, and no warning this would happen when it did. Typically was notified not park your car overnight. In this case the signs were out Friday morning, with the race on Saturday. Don't know why, and were marked differently. Casady stated Republic Parking is the City's contractor.

Cook thought before people filed a claim if they thought they were improperly towed. But if the parking contractor has the towing truck does it change who to file a claim with? Confer replied it has to be a city employee before we would consider it a claim. Schimek added it also would be good to look at the posting on Friday morning. People have trouble parking around the Capital, and if not necessary to do as early perhaps post after 5:00 p.m.

Camp stated another was about a year ago, the start of football season, and the first of the month walk to the art galleries. They closed the downtown parking garages in order that people would not park overnight for the football game. This created a roar with a lot of business people. About a month later Landis got involved and he did change some things. But, the idea of shutting it down for football the next day didn't go over well. Parking is a delicate situation.

V. MISCELLANEOUS - None

VI. CORRESPONDENCE FROM CITIZENS

1. Email from Anne Whitney asking Council to give full support to the Fairness Ordinance.
2. Letter from Realtors® Association of Lincoln, Nicole D. Jensen, Executive Vice President, writing in

support of the proposed Fairness Ordinance.

3. Email from Mark Dietel. An ordinance to add sexual orientation and gender identity as a protected class is absurd.
4. Email from Linda Helfman, strongly in favor of pending legislation regarding fair and equal treatment of all our citizens.
5. Email from Terry Lee Foster writing in support of the Fairness Ordinance.
6. Email from Rick Fedderson. Appreciate Councilman Eskridge's introducing the Anti-discrimination measure in Lincoln. A great move forward in area of personal rights.
7. Email from Becky Boesen, stating she stands in complete support of the Fairness Ordinance.
8. Email from Susan Kinyon. Fully support the proposed Fairness Ordinance.
9. Tari Hendrickson email. In support of the Fairness Ordinance, which will help extend assurances for equal treatment.
10. Rita A. Turek. Supports the Fairness Ordinance. Should be fairness for everyone in the U. S.
11. Jean Sanders. Strongly support the City Fairness Ordinance.
12. Petrea Whittier. Urge the City Council to pass the Fairness Ordinance.
13. Judy Thiem. The Fairness Ordinance needs to be passed.
14. George Ferris. In support of the Fairness Ordinance. Lincoln needs to send a message of welcome and tolerance.
15. R. Heather Ropes. Supports Make Lincoln Fair.
16. Ginger and J.D. Expect our Council to quickly take the right action We're into the 21st Century.
17. Brenda West. Strongly in favor of adopting the Fairness Ordinance.
18. Diane Burton. Staunch support for the Fairness Ordinance.
19. Benjamin Vogt. Fairness Ordinance long overdue.
20. Mark D. Hiatt. In favor of the Fairness Ordinance pending before Council.
21. Anne Melang-Thoren and family. Believe in equal rights for lesbians, gays, bisexual, and transgendered people.
22. Patricia Patton. Implore each on the City Council to vote against the Fairness Ordinance.
23. Joseph Swoboda. Support passing and implementing a Fairness Doctrine in Lincoln.
24. Melissa McKibbin. Support the proposed Fairness Ordinance.
25. John Jack. Support and pass the Fairness Ordinance.
26. Julie Pinnell. In favor of the anti-discrimination ordinance sponsored by Carl Eskridge.
27. Randy Gerke. Encourage Council to vote for the Fairness Ordinance.
28. Rev. Dr. Renae Koehler. In support of the amendment Carl Eskridge introduced.
29. InterLinc correspondence from Chad Barnhardt on high tax and fees on a trailer.
30. Coleen Dieken. Do not pass the Fairness Ordinance, this is set up for lawsuits. Privilege for a few.

No comments

VII. ADJOURNMENT

Chair Carroll adjourned the meeting at 2:10 p.m.

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