

WHEREAS, in the opinion of the County Auditor, the public interests required that the Lake County Council, should be called to meet in special session at this time, for the purpose of considering Resolution to Repeal Senate Enrolled Act 101, The Religious Freedom Restoration Act, a written notice was sent to each member of the Council, and proper advertisement made, and all other acts performed in accordance with the laws governing such matters.

And now in obedience to such call, come Ted Bilski, President, David Hamm, Jamal Washington, Daniel Dernulc, Christine Cid, and Eldon Strong, County Councilpersons, together with Ray Szarmach, County Council Attorney. Councilwoman Elsie Franklin was absent.

In the Matter of Resolution of the Lake County Council to Indiana Governor Michael Pence and the Indiana General Assembly, to Repeal Senate Enrolled Act 101, the Religious Freedom Restoration Act.

Washington made a motion, seconded by Hamm to approve.

Hamm read the Resolution into the minutes.

Washington commented that as we started this meeting today, we did prayer in the sense of unity, to be on one accord to have better government.

Washington said, "I believe that this Bill is more set for a "hatred Bill", under the guise on religion to promote discrimination". Washington said, yes, they claim there was a fix, but in all contrast, there is always fine writing, small writing, so as you've looked, and a lot of people have said, "well, this Bill, in its original form was not clear", or "this Bill, in it's original form, we need to look at it more".

Washington said, "I would like to remind everyone that Bill was signed at that time. So, as they found errors, after the Bill was signed, "I believe, there are more errors, as well". "Until we give this more thought, and have a clear vision, in terms of how we stand, as a State, and as a County, to let everyone know that we do not hide bigotry, or discrimination under religion, as a catchphrase, I move that we pass this Resolution.

Cid said, "I would like to hear from our Attorney also".

Cid said, "I fully support freedom of religion, and I don't think this Bill, I don't think our current Constitution, or laws took away from that". Everyone is still allowed to practice their religion, and their beliefs, only we just don't want anybody to discriminate, and we also did the pledge that said, "justice for all", and I think that's what we have to remember, and that's what we do every time we take action here on this Council, so it's obvious that this has, as the Resolution states, has had an economic impact, and not only that, but to the States around us, and all over the Nation, we are being perceived as prejudiced, and discriminative, and "I really hope that this Legislator takes it serious, and repeals this current Bill".

Strong said "with regards to the Religious Freedom Restoration Act, I think there is a mistake in perception". The Federal RFRA was signed into law in 1993. The government can not substantially burden the exercising of your religious belief. If you think that it does, you have the right to go to Court, to defend your rights. That's what I think the bulk of this Senate Bill 101 was about".

"Unlike the Resolution before us, nowhere does Senate Bill 101, or Senate Bill 50 use the word gay of lesbian community. "It doesn't mention gay rights anywhere because I don't think that it needs to". "I don't think that anyone can discriminate against anyone else from the gay community anymore now, than they could before Senate Bill 101, Senate Bill 50.

"I think too many individuals are trying to make too much of this, just for the media attention. "I watched, recently, in the debate, during the religious freedom act, where an African American State Representative, according to the media, accused an 18 month old child of racism because the child turned away from her when she tried to talk to the child. " That's not racism, that's an 18 month old". I believe if a business owner does not want to enter into any type of Contract with someone he doesn't want to, he shouldn't have to."

"I also believe that if that person, or any person does not want to patronize a business, that is their right as well. But no one has the right to place fear in anyone else because of their personal beliefs. What happened to the rights of others?" "I believe all citizens in this Country have rights, those rights include the ability to live their way personally, and in business".

"Senate Bill 101, and Senate Bill 50 is about discretion, not discrimination". Since it was apparently resolved in Senate Bill 50 to the majority satisfaction, I don't understand why we are even voting on this Resolution, I think common sense, as always, should prevail in this issue".

"The First Amendment guarantees Religious Freedom. This means people are guaranteed the freedom to exercise their religious beliefs, I really truly believe in that."

Dernulc said "I know that there are a lot of powerful comments coming out of this Council, and one thing that I love about this Council, is that we get along pretty well, and it's pretty diverse, and I see this, but with Senate Bill 101 mistake, I think what they wanted to do was not, I think it needed to be clarified, and that was done in Senate Bill 50".

Dernulc said, we talk about hatred, we had a former colleague on this Council, Rick Neimeyer, and "I don't think he is a bigot". "Does anybody here feel that way"?

Dernulc said, "that's kind of what we're saying, and I don't appreciate that, because he is a friend to all of us". Dernulc said, I think all of us will agree, so there is a personal component.

"Rick feels bad for example, on this, along with the other Legislators, but I think they fixed the problem". The NCAA game went, and I heard there was not a seat to be had, and there was a lot of discussion that they were going to pull out. They didn't, in fact after this Senate Bill 50 was amended for Senate Bill 101, they along with the President of the Pacers, and other folks were in agreement with this.

Dernulc said I've also watched what has happened with this Pizza place in Walkerton, IN. Do we want that to, because they have a religious belief? I don't think so, right? Dernulc said I think that this Council has been very good in working together, even if we don't agree, we are all diverse, and I think that is something we need to take away from this, but "I am not in favor of this Resolution because I believe that the fix has been done, but I think also, that the State Legislature needs to have some more conversation".

Washington said, due to the fact that it was brought up about Mr. Neimeyer, I do not know Mr. Niemeyer whatsoever, but we are human, and at the end of the day, I think we do make mistakes. Washington said, by no means am I saying, or the Nation because in fact it has been the Nation, and a lot of people pulling business out, as far as the impact in the magnitude of what the House Bill was. So that's not saying, "okay, since you signed that, you are a racist", by no means am I saying that, as an African American male. "What I am saying is, you made a mistake". And I think that everyone, that's why, they went to make the fix, that they believe is the fix, because they made a mistake, and the Nation saw it. And the Nation said, "I'm not doing this NCAA, so by no means am I doing "tit for tat" Mr. President. I am just pointing out the facts, and I want it on record that I am by no means calling anyone who signed the Bill a racists".

Bilski said, duly noted, and I think no one in here, is calling anyone a racists, or a bigot (the entire Council all spoke in agreement).

Councilman Hamm said he would also like to hear from our Attorney.

Attorney Szarmach said, I'm going to give you the legal opinion; It's not my personal opinion, or any kind of philosophy. He said that in Senate Bill 101, Section 9 is the paragraph that caused the problem, and this was not just State-wide, or National, this was International.

Attorney Szarmach said, I talked to friends of mine who live in Brooklyn, and that's all they wanted to know, is what's wrong with Indiana, but that's beside the point. He said there are many pieces of legislation that is passed with good intent, for example, Prohibition, and we don't realize, at the time, of the unintended consequences that that legislation brings.

He said Section 9, of Senate Bill 101, is a Section which would raise a defense to a claim, or a Judicial, or Administrative proceeding, that's a lawsuit, that your conduct, whether assuming it was discriminatory, if it was based on a religious belief, and if you believe your religious belief was burdened, you would have a right then, to bring that as a defense, and it's not procedural. Procedural defense is Statute of Limitations; you have 2 years to file a suit, after an accident. If you don't file it within 2 years, you file a motion to dismiss, procedural mistake you made, it's case dismissed. This is what we call, substantive, which means you have a right to present evidence on the defense, and it's very, very, you are on a slippery slope, when you make religious belief a defense to a lawsuit, anytime you do that, and although Senate Bill 50 states, this Senate Bill 101 does not apply to, many types of situations, eliminating most discrimination lawsuits that would be filed, probably legally, 9 is the Section that needs to be changed.

You still have creation of a religious defense to a lawsuit. It's a legal opinion, and most lawyers you talk to are going to come up with that same opinion, and the First Amendment, a lot of people think it gives you freedom of religion. Actually the First Amendment states, "That Congress shall pass no law setting up, or enhancing the formation of national religion. Mainly you have, the First Amendment provides freedom from religion, and the reason you have freedom from religion is because the Founding Fathers had been used to, for 500 years of religious.... The Countries would adopt a religion, if you were in France, you were Catholic, if you in Germany, you were Lutheran. So they felt that the best way to handle situations like that, is to not encourage the establishment of a religion, and if this Section 9 was ever, if that had to go to the Supreme Court, I can't see how that would (inaudible) Constitutional challenges. He said lately all we get is these 5-4 votes, and they swing back and forth, depending on the political views, which is unfortunate, but, in a "nutshell", that's it.

Bilski said, "I am very disappointed, myself, and I concur with both of my colleagues, there are State Legislators, and I respect the electoral. We have a super majority down there, and I would have hoped that we wouldn't put social issues into top priority. We suffer from infrastructure problems, we have I-65 that's still only a 4-lane road, a major intersection to the State of Indiana. It's 2015, there is no reason it's not an 8-lane highway, or at least a 6-lane, at this point in time. We have issues with our bridges, and roads, our MVH funding is suffering. "We've put into top priority, social issues. It's wrong, I disagree with that".

Dernulc interjected, "Mr. Chairman, I agree with you".

Bilski said, "I think the majority of the people in the State, voted to give a super-majority down there because obviously that's what they wanted on their agenda, I'm in that minority".

Dernulc said, "no, no, I agree with you". "Social issues shouldn't be out there". We should be looking at roads, and bridges...

Bilski said we are in dire straits, I think we all agree on that, to where we do not have the funding to meet up the day to day (inaudible)... (others talking at the same time).

Bilski said, I think we are all disappointed in what's happening, I think it's an embarrassment to every one of us who live here, and I hope the measures that they take, will clarify some things, but I think we need to move in the forefront, to show the rest of the world that Indiana, as Hoosiers, we are better than that. We open our arms to all business, and that we will continue to support working people, men and women, and I hope that's not the next agenda attack that we see, the repeal of Common Construction Wage. We've seen some issues of Right to Work, and we talk about "brain drain". My son is here with me, and I hope that there is a reason for him to stay in Indiana, and continue to work here, and thrive, but if we continue down the path we are, our children, grandchildren won't have any reason to stay in this State.

The majority voted "Yes". Dernulc and Strong, "No". Franklin was "absent". Motion to approve carried 4-yes, 2-no, 1-absent.

RESOLUTION NO. 15-65

RESOLUTION OF THE LAKE COUNTY COUNCIL
TO INDIANA GOVERNOR MICHAEL PENCE AND
THE INDIANA GENERAL ASSEMBLY, TO REPEAL SENATE
ENROLLED ACT 101, THE RELIGIOUS FREEDOM RESTORATION ACT

- WHEREAS**, pursuant to I.C. 36-2-3.5-3, the Lake County Council is the County legislative and fiscal body of Lake County, Indiana; and
- WHEREAS**, on March 26, 2015, Indiana Governor Michael Pence signed into law Senate Enrolled Act 101, the Religious Freedom Restoration Act; and
- WHEREAS**, SEA 101 allows businesses in Indiana to discriminate against people by citing their religious beliefs as a claim or defense, if they are sued for discrimination; and
- WHEREAS**, members of the gay and lesbian community are often targeted by discrimination based on sexual orientation, or gender identity; and
- WHEREAS**, such discrimination does enormous economic harm to the State of Indiana including Lake County, Indiana; and
- WHEREAS**, major companies such as Apple, Walmart and Salesforce have announced they will boycott doing business in Indiana based on the passage of SEA 101; and
- WHEREAS**, two States, Washington and Connecticut, have announced they will ban State funded travel to the State of Indiana based on SEA 101; and
- WHEREAS**, such discrimination is an affront to the dignity of all citizens of Lake County, and the State of Indiana; and
- WHEREAS**, the citizens of Lake County are proud of their record of tolerance and acceptance of all members of the Lake County family.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

1. That Indiana Governor Michael Pence, and the Indiana General Assembly repeal Senate Enrolled Act 101, the Religious Freedom Restoration Act instantler.

- 2. That Indiana Governor Michael Pence and the Indiana General Assembly replace SEA 101 with a State Law to prohibit discrimination in employment, housing, education, and public accommodations on the basis of personal sexual orientation, or gender identity.

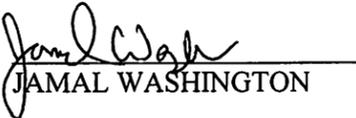
SO RESOLVED THIS 9th DAY OF APRIL, 2015.


CHRISTINE CID


TED F. BILSKI, President

ELSIE FRANKLIN

DANIEL E. DERNULC


JAMAL WASHINGTON

ELDON STRONG


DAVID HAMM

Members of the Lake County Council

Sponsored by Lake County Council Member Jamal Washington and David Hamm.

In the Matter of Resolution Opposing the Construction of a Nuclear Waste Repository in the Great Lakes Basin.

Washington made a motion, seconded by Strong to approve. The majority voted "Yes". Franklin was "absent". Motion carried 6-yes, 1-absent.

RESOLUTION NO. 15-66**Resolution Opposing the Construction
of a Nuclear Waste Repository in the Great Lakes Basin**

- WHEREAS,** Ontario Power Generation (OPG) is proposing to construct a deep geologic repository (DGR), which is an underground long-term burial facility, at the Bruce Nuclear Generating Station site in Kincardine Ontario Canada, and bury and abandon in the DGR all of Ontario's low and intermediate level radioactive nuclear waste, some of which remains highly radioactive and toxic for over 100,000 years. The proposed site is approximately one kilometre inland from the shore of Lake Huron and about 400 metres below the lake level; and
- WHEREAS,** Ontario Power Generation did not consider or evaluate any other actual sites for the location of the proposed DGR; and
- WHEREAS,** fresh water is the nation's and Canada's most important resource and should be protected and managed prudently; and
- WHEREAS,** the Great Lakes are an irreplaceable natural resource, containing twenty one percent of the world's, and ninety five percent of North America's fresh water, relied upon by millions for drinking water, tourism, recreation, vital to human and environmental health and economic and agricultural well-being of both Canada and the United States of America and supporting a regional economy of US \$4.7 trillion (2011); and
- WHEREAS,** Lake Michigan and Lake Huron are hydrologically connected as one continuous water body and any contamination resulting from a leaking nuclear waste repository located on Lake Huron could affect Lake Michigan's waters, the source of drinking water for Lake County, Indiana; and
- WHEREAS,** Lake Huron and connecting waters including Lake St. Clair, are a source of drinking water for millions of people downstream in Canada, the United States of America and First Nations; and
- WHEREAS,** individuals, citizen and environmental groups and municipalities and counties in both Canada and the United States have expressed concern and opposition to the proposed nuclear waste repository; and
- WHEREAS,** as of February 10, 2015, one hundred forty-two (142) resolutions have been passed by communities in the States of Illinois, Michigan, Minnesota, Wisconsin, Pennsylvania, New York, Ohio and Indiana and in the Province of Ontario representing 17.9 million citizens opposing the proposed nuclear waste repository, with the vast majority of the resolutions opposing any permanent underground nuclear waste repository anywhere in the Great Lakes Basin; and

WHEREAS, under the *2012 Protocol Amending the Agreement Between Canada and the United States of America on Great Lakes Water Quality*, the governments of Canada and the United States acknowledge the importance of anticipating, preventing and responding to threats to the waters of the Great Lakes; and

WHEREAS, the Governments of Canada and of the United States share a responsibility and an obligation to protect the Great Lakes from contamination from various sources of pollution, including the leakage of nuclear waste from an underground nuclear waste repository; and

WHEREAS, in September 2014 resolutions HR 716 and SR 565 were introduced respectively in the US House of Representatives and US Senate expressing the sense that (1) the Canadian Government should not allow a permanent nuclear waste repository to be built within the Great Lakes Basin; (2) the President and the Secretary of State should take appropriate action to work with the Canadian Government to prevent a permanent nuclear waste repository from being built within the Great Lakes Basin; and (3) the President and the Secretary of State should work together with their Canadian Government counterparts on a safe and responsible solution for the long-term storage of nuclear waste; and

WHEREAS, in the mid 1980's, the US Department of Energy was considering potential sites for a US nuclear waste repository, including some sites location in the Great Lakes Basin and as a result of significant Canadian opposition, Joe Clark, then Secretary of State for External Affairs, intervened and the US government honored Canada's request to exclude any sites within 40 kilometers of the Canadian border; and

WHEREAS, placing a permanent nuclear waste burial facility so close to the Great Lakes is ill-advised. The potential damage to the Great Lakes from any leak or breach of radioactivity far outweighs any suggested economic benefit that might be derived from burying radioactive nuclear waste at this site. The ecology of the Great Lakes, valuable beyond measure to the health and economic well-being of the entire region, should not be placed at risk by storing radioactive nuclear waste underground so close to the shoreline.

NOW, THEREFORE, BE IT RESOLVED, by the Lake County Council that:

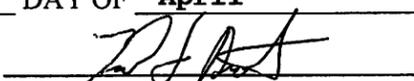
1. In order to protect the Great Lakes and its tributaries, the Lake County Council of Lake County, Indiana urges that neither this proposed nuclear waste repository at the Bruce Nuclear Generating Station site nor any other underground nuclear waste repository be constructed in the Great Lakes Basin, in Canada, the United States, or any First Nation property.
2. The Lake County Council of Lake County, Indiana urges the Government of Canada and the Government of Ontario to reject (and seek alternatives to) Ontario Power Generation's proposal to bury and abandon radioactive nuclear waste in the Great Lakes

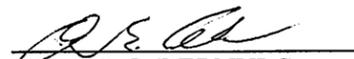
Basin.

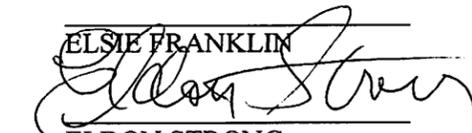
- 3. A copy of this Resolution shall be transmitted to the Premier of Ontario, the Prime Minister of Canada, Canada's Federal Minister of the Environment, Canada's Minister of Foreign Affairs, Canada's Minister of Natural Resources, the President of the United States, the United States Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Indiana congressional delegation, the governors or premiers and the legislative majority leaders, in Indiana, Michigan, Illinois, Minnesota, New York, Ohio, Pennsylvania, Wisconsin and Quebec, the Board of Directors of the Great Lakes Commission, all Members of Ontario's Provincial Parliament and all Members of Canada's Parliament, and to the Joint Review Panel Deep Geological Repository for Low and Intermediate Level Radioactive Waste Case Reference Number 17520, c/o Panel Co-Manager, Ms. Debra Myles.

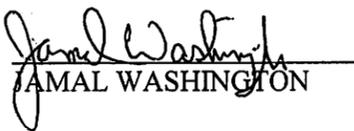
SO RESOLVED THIS 9th DAY OF April, 2015.


CHRISTINE CID


TED F. BILSKI, President


DANIEL E. DERNULC


ELSIE FRANKLIN


JAMAL WASHINGTON


ELDON STRONG

DAVID HAMM

Members of the Lake County Council

In the Matter of Ordinance of the Lake County Council Establishing the Lake County Non-Discrimination Policy.

Cid made a motion, seconded by Dernulc to defer to 4-14-15. The majority voted "Yes". Franklin was "absent". Motion to defer carried 6-yes, 1-absent.

There being no further business to come before this Council, it was moved and seconded that the Council does now adjourn, to meet again as required by law.

President, Lake County Council

ATTEST:

John Petalas,
Lake County Auditor

