

CITY COUNCIL  
INFORMATION COMMITTEE MEETING MINUTES  
Wednesday, June 18, 2009

ALDERMAN PRESENT:

Patti Martinson, Ron Weifenbach, Karen Gundersen Olson, Ron Kroeger, and Aaron Costello.

STAFF PRESENT:

Robert Ellis and Katie LeClair.

(NOTE: For the sake of continuity, the following minutes are not necessarily in chronological order. All referenced documents are on file with the Master Minutes.)

Alderman Kroeger opened the Informational Committee Meeting at 12:30 p.m. in the Council Chambers at City Hall, 300 Sixth Street, Rapid City, SD 57701.

TOPIC: Equality in the Workplace—Kathy Kandt

Ron Kroeger opened the meeting, introduced the agenda, and welcomed speaker Kathy Kandt. Kandt said she would like to speak to the council members about equality in the workplace and equality in the City of Rapid City. She said there are some people who are not looked at directly, and end up being overlooked. Kandt stated that she wants the council to take a long hard look today. Kandt continued stating that she is from the Black Hill Center for Equality, which she described as an umbrella group which covers a number of gay issues. She stated that, often, clients who come to the center have been discriminated against because of their sexual orientation. Kandt stated that she was there to speak out for fairness in both the workplace and community.

Kandt asked the council members present to imagine that they had a son or daughter who was lesbian, gay, bisexual, or transgender (LGBT). She asked what the council members would want for their child and answered that they would want the child to earn a good living, to provide for their family, and to be happy and productive. She stated that [the council] would want the children to have jobs where they are judged by what they do, not who they are. Kandt stated that there is discrimination [towards LGBT individuals] in Rapid City and there are pockets of discrimination in the state of South Dakota. She stated that sexual [orientation] and gender identity can legally be used as a basis for: hiring, firing, wages, compensation, and promotions. Kandt stated that four out of ten LGBT individuals reported having experienced employment discrimination. Kandt also stated that, on average, gay men earn ten percent less than their heterosexual counterparts—not including the lost benefits that they don't accrue for their families.

Kandt stated that the "T" in LGBT is for transgender. She stated transgender means, pre-operative individuals, post-operative individuals, and those who have not considered surgery. Kandt said, in other words, [transgender] includes anyone whose behavior or identity falls outside of the typical norms for their gender.

Kandt said that twenty states protect against discrimination based on sexual orientation. She stated that twelve of the twenty states also include gender identity in the protections. Kandt showed a map of states that have non-discriminatory laws in place. Kandt pointed out that several states adjoining South Dakota have such laws in place. She stated that they [Black Hills Coalition for Equality] want Rapid City to adopt the Human Relations Act of 1972 and to address issues of employment, housing, and public accommodations.

Kandt stated that, if the city law was changed to [protect against discrimination based on] sexual orientation and gender identity, [LGBT] kids would not need to leave town because they are “different.” She said that she met many people who left Rapid City because the city was so gay intolerant/gay unfriendly. In Rapid City many talented individuals walk away from here because it is not safe for them.

Kandt stated that the council needs to amend the Rapid City laws to agree with the Human Relations Act of 1972. She stated the best way to amend Rapid City law is to: document why the change is in the best interest of the city, identify all existing support, address all rational objections and fears using data, communicate all information to the city attorney and council persons, and obtain reference materials from sources such as Equality South Dakota and Black Hills Coalition for Equality.

Kandt stated that nationally, 89% of Americans believe that gay people should be protected from being unfairly fired. She also stated that survey conducted by Equality South Dakota found that 77% of South Dakotans favor a federal Employment Non-Discrimination Act to include protections for LGBT individuals.

Kandt stated that 85% of the Fortune 500 companies voluntarily adopted policies to include sexual orientation. She stated that the company policies were adopted because it is in the company’s best interest. She continued, stating that there is a vast group of talent that companies cannot afford to overlook. Kandt said that over thirty of the fifty large South Dakota employers have policies that include LGBT individuals. Kandt stated that The Society for Human Resources Managers endorsed the creation of the Federal Non-Discrimination Act and stated that diversity and inclusiveness are core business strategies. Kandt stated that employees are happier and more loyal when they feel valued and respected.

Kandt discussed private employers who adopted equal employment policies within their organizations. Those companies found being inclusive benefits their bottom line. She showed a map of South Dakota on which communities who have included LGBT individuals in their [non-discrimination] policies were highlighted. She also discussed statewide organizations which include LGBT individuals in their [non-discrimination] policies.

Kandt stated she can help the council by referring them to herself and others, assisting with fact finding, and making introductions. Kandt said the best resource for information in South Dakota is Equality South Dakota. She stated that the Black Hills Center for Equality could help with community outreach and assisting council members with detoxifying the issue with their constituents. Kandt said she understands being politically active in gay rights is a difficult position to take in both Rapid City and the state. She said that she can help [resolve] sticking

points and [advance] solution points. Kandt said part of the problem is that the gay community has been content to not be visible, and happy to quietly function without attracting attention. She said that a number of people in the LGBT community have decided that is no longer acceptable. They cannot assist the council, or want change, without letting the council know who they are and what they want. Kandt said that was her purpose for being in front of the council. She said that if every LGBT person in Rapid City turned purple on a Sunday night, the council would be shocked to see all the purple faces Monday morning. Kandt stated that there would be purple faces: at the grocery checkout, at school, at church, at the auto repair shop, at construction sites, and at the hospital. While they don't want to be purple, they want the same laws that protect others, to protect the LGBT community.

Kant opened the floor to questions.

Martinson asked if some of the figures listed in the PowerPoint presentation came from Equality South Dakota and Kandt confirmed that they were. Kandt stated that Equality South Dakota has the resources, manpower, and funding to put the information together. She said that Equality South Dakota has offered themselves as a resource to any community/government group that wants to institute legal changes.

Kroeger stated that Kandt's PowerPoint listed that 70% of South Dakotans believe that there should be laws in effect [protecting LGBT individuals]. Kroeger asked if they had tried to get something passed through the state legislature. Kandt stated that she believed something had been attempted and they were working with a core group of state legislators. Kroeger said that, in his mind, instead of working with communities one by one, they would go to the state. Kandt and Kroeger discussed addressing the issue on a state level. Kandt stated that there is a two pronged attack: one on the state level and one through local communities and counties. Kandt discussed challenges associated working on the state level. Kandt stated that [expressing support for the LGBT community] will not increase the numbers of LGBT people in the community, it will make the individuals already there more comfortable. Kandt said that people are born with their sexual identity then shared experiences about her family and experiences in the workplaces.

Costello thanked Kandt for the presentation and information. Costello asked what other areas of discrimination Kandt feels need to be addressed. Kandt said they [Black Hills Center for Equality] want LGBT individuals to be able to be who they are at work without fear of termination. Costello asked if Kandt feels sexual identity and sexual orientation are the last two large groups of people who are being discriminated against and Kandt replied, "one might hope." Kandt discussed that the LGBT group is also a multi-racial group.

Weifenbach thanked Kandt for bringing forward the information to the council and said he appreciates the opportunity to approach Kandt's concerns. Weifenbach asked about the statement that it was legal for LGBT individuals to be fired because of their sexual orientation. Kandt confirmed that the statement was correct and said that filing a federal discrimination complaint would be the only recourse that an individual [fired because of their sexual orientation] would have. Kandt provided her home number to the council and said she could also be reached at the Black Hills Center for Equality.

Gundersen Olson stated that she received a number of comments from the public centered on religion. Gundersen Olson stated that they were concerned that people would not be able to discuss their religious convictions and asked if they would be able to share those convictions if a resolution were passed by the city. Kandt stated that she hoped that a dialogue between people with different opinions would always be possible in a [non]-toxic, non-judgmental way. Kandt said she was aware that what she is deeply offends some people's sense of faith. Kandt listed the various faiths that members of the gay community belong to, both openly and not. She added that the Black Hills Center for Equality is available for dialogue, to help people come to grips with their prejudices.

Gundersen Olson said constituents have asked her if they would be able to share their views and values without fear of reprisals [if the] anti-discriminatory language [were in place]. Kandt commented to that with absolute certainty, the views of those individuals would not be dismissed. She stated that there is a right to exist [for LGBT individuals] that should not be interfered with. Gundersen Olson asked if an individual should be subject to dismissal if they expressed a view in opposition to a gay and lesbian lifestyle in the workplace. Kandt replied that, in her opinion, the individual should be subject to education and support—but not dismissal. That the individual should not be dismissed for their opinion or lifestyle, any more than LGBT individuals and that is what equity language addresses. Gundersen Olson stated she had the feeling that (the question stated earlier) was a concern and in her personal view religion freedom trumps almost everything. She went on to explain that in a person's private life their ability to practice their religion was, in most places, supported by the constitution. Gundersen Olson stated that she had some constituents who did not understand how that religious experience (mentioned previously) would be handled in the workplace. Gundersen Olson said she could not reassure those individuals as to what the consequences might be or the situation might present but it is a question that needs to be answered. Gundersen Olson shared some of her own experiences working on the equal rights amendment (women's equality) in South Dakota. Kandt stated that people are all very complicated human beings and often overlook how they are all alike. Many people of faith find [LGBT individuals] so objectionable because they are not aware of how present LGBT individuals are in the community, and how very much they have in common. She added that strain will not be removed until individuals on both sides of the issue establish a dialogue and begin to find what comfort and discomfort points there are. Kandt said that this is a difficult position but that equality legislation is something that really needs to get done and offered her help in any fashion she can.

Kroeger asked for confirmation that if the council were to do something, would the only effect would be on city employees? Kandt confirmed that was correct, it would not affect anyone else in Rapid City.

Kroeger called for anymore comments or questions, there were none. Kroeger thanked Kandt for her presentation and asked for printouts of her PowerPoint presentation.

Martinson stated that there was one more person to speak, Virginia Panarella.

Panarella took the floor and said she moved here from New York about thirteen years ago. She stated that her family experienced discrimination. Panarella stated she is a friend of the gay

community and she hoped that Rapid City would end the discriminatory possibility for the gay community. She stated that the more that she talks with Kandt, the more she finds her opinions changing. Panarella shared some of her personal and family experiences and how she has watched laws change feels that this is the next step. Panarella stated that the United States was founded on religious freedom, but it [religion] is not to be imposed on other people. She added that we are all supposed to be able to live in the same place, respecting each other's rights and freedoms. Panarella thanked the council for letting her speak.

There being no further questions, the meeting adjourned at 1:36 pm.