

**Minutes of the October 17, 2019
Daviness County Fiscal Court Meeting
Held at the Daviness County, Kentucky Courthouse**

**Present elected court officials included
Judge/Executive Al Mattingly and County Commissioners Mike Koger,
George Wathen and Charlie Castlen**

**DOCUMENTS RELATED TO TODAY'S DISCUSSIONS
ARE FILED IN THE CORRESPONDING FISCAL COURT FILE**

The meeting opened with a prayer and the Pledge of Allegiance to the Flag.

Judge Mattingly proclaimed October 26, 2019 as National Drug Takeback Day.

The court received into record the 2017 and 2018 Ohio County Water District Annual Financial Report.

Minutes of the October 3, 2019 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Koger, seconded by Commissioner Castlen with all the Court concurring said Minutes were approved and signed.

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; all Claims for all Departments.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

By a motion of Commissioner Castlen, seconded by Commissioner Koger, the court considered for approval; Contract with the Kentucky Department of Employee Insurance for the Provision of Health Insurance Coverage for a minimum of 3 years and Authorize the Judge/Executive and County Treasurer to execute any and all documents related to providing the 2020 Employee Benefits including Health, Vision, Dental, and Life Insurance.

County Treasurer Jim Hendrix stated, "On September 11, 2019, we received renewal information from our current insurance provider. The renewal rates were horrible, unaffordable, and unacceptable. They

also provided us a viable alternative, one which allows us to remain with Anthem BCBS and will potentially save the court between \$1.5 and \$2.5 million. This is a 3-year contract with annual rate adjustments. Due to time constraints, Judge Mattingly and I went to Frankfort and signed this contract, contingent upon today's court approval. I recommend approval."

Judge Mattingly asked, "Can the employees be assured that this new policy will cause little change to their current medical coverage and expenses?"

Mr. Hendrix agreed stating, "When you put the current and proposed plans side-by-side they pretty much mirror each other and the dental plan is the same."

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Annual Order of Affiliation Agreement with Daviess County Search and Rescue Team.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Reject Bid No. 40-2019: Animal Shelter Painting Project (Animal Control).

Purchasing Agent Jordan Johnson stated, "All bids exceeded the allocated budget for this project. It is our recommendation to reject all bids and pursue this project in the next fiscal period pending budget approval."

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; Award Bid No. 41-2019: Judicial Center Caulking Project (AOC) to Kentucky Mirror for \$142,460.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

By a motion of Commissioner Wathen, seconded by Commissioner Koger, the court considered for approval; Surety Bond Release for Lake Forest Units No. 19 and 23.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

Comments by the Public:

Chad Benefield stated, "A couple of weeks ago, I came to this court asking that a Non-Discrimination Ordinance be considered for Daviess County. At that time, I was asked to share with the court specific personally-vetted cases of sexual identity and/or gender discrimination. Today, I am delivering that information." Document follows:

EXAMPLES OF DISCRIMINATION IN OWENSBORO/DAVIESS COUNTY Compiled and submitted to Daviess County Fiscal Court in October 2019

R (Male, professional):

When R moved back to Owensboro, he attempted to rent an apartment in the Landsdowne subdivision. A leasing agent showed him the property, which he decided to rent. The next morning, he called the agent to make an appointment (at the property) where he would submit the deposit and sign the lease. Only this time, R took his partner with him. The leasing agent asked them if they were "brothers or just friends". When R told him they were together, the leasing agent suddenly claimed not to have the necessary paperwork, though that's why they were meeting in the first place. The agent promised to "call tomorrow" but never did. R, a couple of days later, reached the leasing agent who informed him the lease was no longer available to him.

Kevin and Chad:

When Kevin and I first decided to move in together, we found the perfect apartment. We were given a tour, filled out the necessary paperwork and application and left knowing we had found our first home together. A couple of days later, after oddly not hearing from the leasing company, we called them. The man who gave us a tour of the property answered and told me that we were not going to get the apartment after all. We were informed that they don't "rent to two men ... you know, college guys." I was indeed a "college guy" at the time. But I was in Graduate School working on a Master's Degree. I was hardly the "college guy" the leasing agent was referencing as an excuse not to rent to us. The fact of the matter is we knew that "college" had nothing to do with it. We were being denied housing because we were gay men. So devastated by what happened, we actually missed an opportunity. See, by informing us that they would not rent to "two guys", the leasing agent actually violated federal housing law. When it did occur to us, we briefly entertained the notion of suing the leasing agent for sex discrimination, but eventually opted out. The reason why? We knew exactly what would happen. If push came to shove in a court of law, the leasing agent would have simply had to tell to the truth- that they decided not to rent to us because we were gay. And that, under law, would have been perfectly acceptable and we would have lost the case.

Local female professional:

Received a job offer from one of the most prominent employers in our community, but was informed that her job was "very public" and her "private life should ALWAYS be kept private." The employee felt "warned" and threatened by the conversation as if it was a condition of employment. She is fully convinced it was. She left the position and Owensboro within 7 months.

Male, mid 20's, homosexual:

According to someone very close to this case, the subject had lived in his apartment "with no issues". There were some slight plumbing problems that caused water to leak from the tub faucet. This happened occasionally and the repairs were usually rendered quickly after a call to the rental company. However, everything changed "after his male partner went to pay his rent one day." According to witnesses, the management company would make random drive-bys of the property, then followed with a letter asking how many people lived in his two bedroom apartment. For the record, the subject's boyfriend did occasionally stay over, but had his own home. Upon receiving the letter, the subject asked the rental company why he was sent the letter and stated that his contract did not mention a limit of occupants and we was under no obligation to add visitors to his contract. According to a confidant of the subject, "He felt like he was being watched." Shortly thereafter, he had another issue with the tub faucet. He called the rental company to request another repair. His calls were unanswered for 17 consecutive days. He received a returned call only after leaving another message and sending an email that indicated and highlighted each time he had called. He also mentioned that his water bill had increased significantly. Finally, the issue was fixed. However, immediately following the incident, the rental company started calling on the day rent was due as a "reminder". This had never happened before and was never an issue before. The subject is convinced his treatment is the direct result of his sexual orientation. He moved. According to the subject, "Prior to his partner paying his rent, all staff members were

friendly and would wave and speak (to him)." However, after his partner paid his rent, "very few staff members would speak to him."

Married men, 30's, homosexual:

Two male friends of mine, in a long-term relationship and now married, walked into a well-known local bank branch to secure a mortgage loan. When the loan officer realized he was about to write a loan for two men, he quickly reversed course and told them that he couldn't help them. They "had too much money down" and there was nothing he could do for them. They had no choice but to take their business to another bank. They did so. The loan officer who eventually did work with them was completely flabbergasted by the treatment they received from one of her competitors. Of course, she gladly accepted their business. But that business was refused elsewhere. For the record, they had no issue with "too much money down" and easily qualified for and secured a loan.

Transgender male, late 20's:

Admitted to local academic program in a public institution. According to references who knew the student, he was "very smart and helped classmates" and was "honestly, probably one of the best in the class." Many of his classmates did not know that he was born anatomically female. However, in one particular situation, he did reveal his gender and problems began immediately. Witnesses claim the director of said program was often heard telling others to "watch that one". It's believed by people close to the situation that the subject eventually failed out the program "mostly due to them wanting him out." At least one person close to the situation addressed this with administration on his behalf because she felt he was being "targeted."

Female, lesbian, adult:

Subject, who is legally married to a woman, was asked about her sexual orientation at work by a coworker and "if she thought it would be an issue due to the nature of the work she was doing." The insinuation was "that she would be looking at clients inappropriately". Subject informed the coworker that the statements "were illegal and inappropriate." She "informed her supervisor and filed a complaint". This case is ongoing and the subject is currently seeking legal counsel outside of Owensboro.

Two couples (one male couple, one lesbian couple):

Two male friends of mine (and their son) went out to eat with two female friends of mine (and their daughter) at an Owensboro restaurant. They're long-time friends and do this frequently. So much in fact that they have set in stone the answer to the question, "How would you like the checks tonight?" Their response is always, "The guys and the girls." But one such occasion still resonates with them. On this particular night, when they gave their canned answer to that question, the waiter verbally assaulted them and made disparaging comments to both couples in front of their children. Recounting that incident, one of the males involved says, "What I remember most was the way I felt - it was more than anger - I felt less than a citizen in a community I love."

Melissa:

Melissa owns a thriving local business and has experienced discrimination in all three arenas that the Fairness Ordinance would address. Here are the instances that most reflect the issues she has encountered locally. When she looking to relocate her business to a new location, a local leasing agent said to her "I don't rent to people like you." When Melissa shares this story, she also adds that he did this in front of his employees and laughed at her while doing it. She was also denied a lease for housing as well, by this same local leasing company. In addition to housing, she has experienced issues regarding employment as well. Her issues with a former employer are indisputable cases of discrimination. Acting in her capacity as a manager in a previous job (in the mental health field), she was forced to discipline a female employee for behavior that put said employee in jeopardy with the clientele they were serving. That employee then, in retaliation, accused Melissa of sexual harassment (which did NOT happen) and Melissa was formally written up and reprimanded by her supervisors. They never asked for HER side of the story (though she was the ranking employee). This, by the way, happened more than once and is a contributing factor to why Melissa left her career in Social Work to pursue another.

Bisexual male couple, new to Owensboro:

Went to a local medical provider because they were in search of a local Primary Care Physician. Initially, they were asked by staff if they are related. The office was trying to see if they wanted to come back together or separately (not an uncommon practice). The men did agree to go back together. The medical assistant went back to take both of their vitals and get a medical history documented for the provider to review. One hour and 25 minutes lapsed with no one coming to check on them. One of the males went to the desk to see how much longer it would be. He was told by the office staff that they were unsure. He returned to the room. A few minutes later, the office manager came in and told them that they had mistakenly scheduled them the wrong day and that they were trying to find a provider available that could accommodate two initial new patient visits. They ended up choosing getting rescheduled due to

having other plans and not knowing how long they would be there. They made different appointments for the same day again. The morning of those rescheduled appointments, they were called and left a message that their appointments were cancelled and no reschedule was offered. That office has not returned any of their calls nor have they responded to medical request records from another provider.

JJ & VF:

Ten years ago, the couple petitioned the courts for joint custody of their ten-year-old daughter. The courts granted that wish making V the custodial parent with shared guardianship with J. They were just the second lesbian couple in Kentucky to win joint custody of a child. When J attempted to put the child on her insurance, she was informed that "two women could not carry a child on each of their insurances". V read the company's insurance booklet and discovered that "a man who marries a woman with children need not petition the courts for anything to prove their relationship and could add the child to their insurance as a step parent". It also mentioned you could "add a child you had been awarded through the courts". The ladies thought that clause would qualify them. However, they were "disqualified" because they were two women. It was supposedly "out of the employer's hands."

National Candidate for a Local Position:

I was honored to be involved with a local organization's nationwide search for a new employee. One of the candidates for that post was an incredibly talented, creative and openly gay man. It's the last descriptor that ultimately got him disqualified from consideration. I know this because of a conversation I had with a woman involved in the screening of candidates. Not fully realizing who she was talking to, she asked me what I thought of the candidate. I said I thought he was brilliant, personable and offered a unique vision and approach that could serve the institution well. She then said to me, "Well, (insert name of another influential female involved in the screening process) says he's gay! And there's no way we can hire him. He will get eaten alive in this town!" I quickly replied, "You know I'm married to man, right?" She said, "No. I didn't know that." I said, "Well, I am. And I don't what (insert name of the other female of influence) is talking about. But I am gay and I can tell you that NO ONE in this town is eating ME alive. I don't even what that means." I feel as if I should elaborate on the other female of influence from this story. When I saw her a couple of weeks later, she invited me to a party she was throwing at a local social club. She informed that I could bring "my wife." I told her that I didn't have a wife, but I had a husband. Without missing a beat, she told me, "Well, uh, then bring one of your dogs." Yes, this is actual dialogue from a woman who was involved in the process of screening and hiring national candidates for a relatively prominent position in this community. And though she didn't ultimately have say in the final outcome of the hiring process, she did have an influential voice in a group of people supporting that process.

Local transgender male:

Subject applied at a local restaurant franchise. The interview "went great" and the subject was in line for a store manager position, pending a clear background check. Subject got a call about a week later from the hiring manager who asked him to come in. Subject went in "expecting to discuss hours, starting date, etc." When they sat down ... in the lobby ... the hiring manager started quizzing him, loudly, about why he used to have a girl's name. She then asked if he was "one of those trannies". According to the subject, everyone around was listening. Subject informed the hiring manager that he didn't see how that had anything to do with his ability to do the job. The hiring manager proceeded to start calling him "tranny" and told him to get out of there and that "things" like me were not welcome there.

**Update- the hiring manager was reportedly fired after a formally filed complaint to corporate headquarters. The hiring manager apparently had "a history of homophobic and racist behavior and, after an investigation, was fired."

L:

Prominent local female has suffered two distinct issues of discrimination- one in employment, one in healthcare (public services). Here's a summary of her experiences with a local employer.

- started with employer part time
- increased to full time due to good work ethic, attendance, attention to detail
- promoted to shift manager
- promoted to store manager
- owner discussed my potential to be a district manager
- owner discovered she is a lesbian
- relationship with owner & work environment became tense and uncomfortable
- when she did not quit, the owner fired her stating "it wasn't working out".
- this happened over the course of 11/2 years.
- L's work ethic and skills were considered great and rewarded until the owner realized she was a lesbian

Healthcare:

- had received care from a local physician when she had health insurance in her own name through her employer
- eventually obtained health insurance through her wife's employer (insurance card had her wife's name on it)
- presented her health insurance card with her wife's name on it at next appointment
- office manager called her into a back office and accused her of "insurance fraud"
- Subject was threatened with legal action for insurance fraud without anyone contacting the insurance company verifying coverage
- the insurance billing manager was brought into the room with the intent to further intimidate her.
- All they had to do was call & verify coverage
- Reluctantly coverage was verified but no apology was ever given
- Subject was essentially forced to find another physician

A:

In June 2013, her partner's sister died unexpectedly. (She and her partner were not married yet) Subject worked at a local employer and had since 2002. For reference, the complainant and her partner had been together event before that ... dating back to 2001. Subject asked HR about taking bereavement leave and was told that she was not in a "recognized relationship" and did not qualify for the leave benefit. Complainant asked "Would it matter if I was married to a man?" She was told, "Yes". Then subject asked "If I had married a man that morning and his sister died that day....after just a few hours of marriage, would I be eligible for bereavement leave?" She was told "Yes". The subject and her partner had been together for 12 years, were buying a home together....had grown children....a real family. The woman above and her partner were also discriminated against in relation to housing. She and her partner were shopping for a home and made an offer on a house on Ford Ave. The initial asking price is exactly what they offered. The man who owned the property refused their offer and refused to counter. He sold the property to a man and woman for \$10,000.00 less than what the lesbian couple offered.

J & J:

Two local men who own a relatively new business in the heart of downtown Owensboro. In an interview on local television, one of the men recounted instances when a local contracts/orders were canceled when it was discovered the business is owned by two gay men. They have encountered other instances in which people refuse to do business-to-business deals with them.

Two females, lesbian couple with child:

11 years ago, the couple delivered a healthy happy little boy. Female #2 previously discussed with her employer that she would take off once the baby was born. She had saved sick days for this and sought approval from a previous supervisor. Once their son was born, the new supervisor decided she could not use her sick days, even though she had gotten prior approval. The reason for denial? Because their son "was 'not' hers". The supervisor went on to say she would not receive pay for her time off work. The couple went to court to get guardianship papers to show the child legally belonged to both women. The supervisor maintained that "wasn't good enough". For fear of losing her job, the subject, who was not yet a tenured employee, decided not to pursue the matter further. Finally, however, she was allowed her to use her days to be with her newborn son and the employer eventually adopted a non-discrimination policy that includes sexual orientation.

K:

Transgender female who now works full-time locally, however her road to stable full-time employment has been a difficult one here. She hasn't legally changed her name so, when she was pursuing work, she would typically use her birth name and assumed name side-by-side on applications. According to her mother, she "rarely got a chance for an interview." Her mother works part-time for a local department store that claims to have a non-discrimination policy. But according to the client's mom, "I haven't seen it." K worked there for a month and managers pulled her from her area without an explanation and put her in "operations". She was only allowed 8 hours a week and was only allowed to work 6am to 10am on Saturday morning and Sunday morning. The store opened at 9am. K wasn't getting enough hours to make her car payment so she had to find something else. She worked at a local box store for a few months- first as a stocker, then in a cashier position. Management ultimately claimed a customer complained she was "being too rough with their items" and she was fired. She finally got her new job at a local company with national roots. In her mother's words- "I hope she can stay there. So far so good. She hasn't tried to find a place of her own to live yet but I want to make sure we have those ordinances in place so she can."

John Fowler, Pastor of Southside Fellowship Church for the past 24 years stated, "I represent a coalition of local churches which includes a large number of local churches and we have a different perspective

on a fairness ordinance. Our coalition is formulating our opposition and will bring that to you at the appropriate time.”

Judge Mattingly encouraged him to deliver that information at the next court meeting.

Former County Commissioner Gary Boswell stated, “I want to remind you that the petition going around the community represents a very small portion of local people. The paper reported a statement someone made that 98% of the population supported a fairness ordinance. I assure you, I’ve not talked to a single person in favor of such ordinance. I am very concerned about where this is headed nationally, where a church can lose their tax exempt status for not hiring certain people and where businesses can be sued for not baking a cake for certain people. When it comes to our religious freedoms, Christians are opposed to these lifestyles.”

Andy Gamblin stated, “As a Christian, we don’t need this here in the county.” He said if the court approves such ordinance they will be going against the bible.

Phillip Anderson encouraged the court to truly understand the desire of the community and do as the community as a whole supports. He also encouraged the court to take their time and to not feel pressured to hasten a decision.

Waylon Ramming stated, “My husband and I own a number of rental properties in the county and when one becomes available it is normal to have numerous applicants. Communities having adopted an anti-discrimination ordinance have language written within that clearly states that the ordinance in no way shall infringe upon the rights of the property owner regarding eviction and property damage. I don’t see that argument to be of concern.” He conveyed his support for a fairness ordinance as he believes in being a part of a larger (all-inclusive) community.

Comments:

Judge Mattingly announced the advertising of the following annual bids: Engine Oils & Lubricants, Bituminous Hot Mix & Pavement Milling, Mosquito Control Services.

Judge Mattingly noted next week’s Kentucky Criminal Justice System Reform forum. He said, “Just from a local level, comprehensive reform is greatly needed. We have a jail that is over-crowded with no end in sight that houses state prisoners to whom local government is required to pay for until they are either found guilty or released. This significantly impacts the county budget and I stress the importance of achieving complete Criminal Justice System reform.”

Without objection, Judge/Executive Mattingly adjourned the meeting.

SO ORDERED THAT COURT STAND ADJOURNED.



Judge/Executive: _____ Commissioner: _____

Commissioner: George Wathen Commissioner: Mike Koger

I, duly appointed Clerk of the Daviess County Fiscal Court, do hereby certify that the above Minutes for the corresponding Order Book were approved by the members of the Daviess County Fiscal Court at the regular session of said Court on this 7th day of November 2019.

Jennifer Warren, Daviess County Fiscal Court Clerk