

MINUTES OF THE
REGULAR MEETING
OF THE
ST. JOSEPH COUNTY COUNCIL
March 10, 2015

The regular meeting of the St. Joseph County Council was called to order at 6:01 p.m., March 10, 2015, by the President, Rafael Morton, in the Council Chambers, fourth floor, County-City Building, South Bend, Indiana.

Members in attendance were:

Mr. Robert L. Kruszynski
Mr. Corey D. Noland
Mr. James O'Brien
Mrs. Diana Hess
Mr. Rafael Morton
Mr. Daniel G. Herbster
Mr. Mark A. Catanzarite
Mr. McCahill
Mr. Mark Root

Present from the Auditor's office were Mr. Michael J. Hamann, Chief Deputy Auditor. Council staff present was Mr. Michael A. Trippel, Attorney and Ms. Jennifer Prawat, Executive Secretary.

Petitions, Communications & Miscellaneous Matters:

Mr. Catanzarite: I'd like to take a brief moment of silence in memory of Theodore Hesburgh, he was a great man, he did a lot for our community and to the world and I thought we just could take a moment of silence.

Mr. Morton: Very appropriate.

Ms. Hess made a motion to approve the minutes of the February 10, 2015 meeting and was seconded by Mr. Noland. The motion was passed by a voice vote; 9-0. No negatives were heard.

Mr. Noland made motion that Bill No. 82-13 be withdrawn at the request of the Area Plan Commission and was seconded by Mr. Kruszynski. The motion was passed by a voice vote; 9-0. No negatives were heard.

No report from the County Auditor

No report from the Board of Commissioners: The State of the County President Morton, esteemed members of Council, my name is Andy Kostielney, and I'm President of the Board of Commissioners, with offices on the 7th floor of this building.

It's once again the State of the County time, and I know you have a very full agenda this evening, so I will be mindful of your time.

That said, I want to make sure to take a few minutes to celebrate the many accomplishments we've achieved over the last year.

In no particular order:

Public Works

- Established a Snow & Ice Removal policy where residents may expect crews to provide passable roads within 8 hours after a snow event. Also implemented a pre-treatment/anti-icing program to better prepare roads and enhance removal efforts.
- Completed a \$7.8M road program consisting of 46 miles of preservative maintenance and 30 miles of paving.
- On-going construction projects include: the Gumwood Corridor from SR 23 to the State Line, the intersection improvement at McKinley Highway & Ash Road and the Olive/Sample Street Overpass Reconstruction.

Archives

- A total of 1,668 boxes were picked up for storage, the second highest total since Archives was founded.

Clerk's Office

- Completed conversion of Civil Court data to Odyssey, now all Circuit & Superior Courts are on the new system, and they processed almost 46,000 new filings.

Maintenance

- Successfully replacing chillers that were 47 & 30 years old. They will improve the reliability and cooling, while reducing operating costs. We had a mechanical consultant in a few months ago who said he hadn't seen a chiller that old in almost 10 years, which is a testament to what a great job they do!
- In co-operation with the City, the Council chambers were completely redone, for the first time in nearly four decades.

Purchasing

- Made transition to Just-In-Time (JIT) ordering for office supplies. This will decrease inventory and reduce spending, eliminating the risk of aged or obsolete supplies.

Voter's Registration

- They recruited over 3,000 people to work at polling places, securing over 160 locations.
- Updated over 52,000 voter records, making almost 40,000 records inactive, with almost 5,000 being cancelled.

Coroner

- Closed out 320 cases.

Parks

- Once again, over 250,000 guests visited our beautiful parks.

JJC

- Had a perfect score of 100% on their latest IDOC audit.
- Quickly becoming leaders in Indiana's Juvenile Detention Alternatives Initiative (JDAI).
- Managed over 18,000 hearings.

Adult Probation

- Received a three year recertification for both the Drug Court and Veteran's Court.

Domestic Relations Counseling

- Worked with over 267 families, involving 450 children and 550 adults.

Auditor

- Mike Hamann has done a tremendous job since taking over the office in January. Most importantly he has taken up the role of overseeing the entire IT functions for the county, including projects that will hundreds of thousands of dollars.

Public Defenders

- Handled almost 1,400 felony cases, 700 juvenile cases, and 2,600 misdemeanor cases.

Superior & Circuit Courts

- Veteran's and the Protective Order Courts became fully operational
- Managed over 45,000 new cases, with 8 civil jury trials and 42 criminal jury trials

Prosecuting Attorney

- Handled 1,400 felonies and 4,500 misdemeanors
- County Metro Homicide had a 90.48% solvability rate for homicides.
- Child support collected nearly \$28 million.
- Most significantly, 2014 marked the end of Mike Dvorak's third term, with Ken Cotter taking the reins in 2015.

Treasurer

- Tax sale totaled gross receipts of almost \$3.3 million, with taxes and penalties of over \$900,000.
- Had an increase of over \$100,000 in investment income.

Sheriff

- In 2014 there were 8,747 inmates were booked into the jail – thankfully none of them named Kostielney!
- In 2014 our kitchen served 569,484 meals at a cost of \$927,219.47
- Received **\$1,039,900.08** reimbursement from the Federal Government for housing federal inmates.
- Received **\$351,571.00** reimbursement from Indiana Department of Corrections for housing their inmates.
- 4,441 adults transported from jail to the courts.
- There were a total of 630,466 patrons screened by Courthouse Officers.
- Total collections by civil division were **\$551,342.73**
- The Civil Division served 81,293 papers
- The Warrants Division received 9,000 warrants from the courts, which led to 4,788 arrests.
- The Patrol Division received 180,229 emergency and non-emergency phone calls.
- Patrol Officers were dispatched to 48,886 calls.
- There were 4,700 case reports filed.
- The Cybercrimes Unit received 66 tips that were referred from the National Center for Missing and Exploited Children.
- St. Joseph County has a total population of 266,344 and the SJC Sheriff's Dept. is responsible for 41% of them.
- They are responsible for patrolling 86% of the 458 square miles in St. Joseph County.
- Our hard work and diligence has paid off as I'm happy to report that our overall crime rate in the unincorporated areas of St. Joe County decreased by over 13% for 2014.

Speaking of public safety, we are still in the midst of one of the most challenging projects this County has seen, maybe in its history, the Public Safety Answering Point (PSAP) or dispatch consolidation. This took a coordinated effort by every major local governmental unit in the County – and in unprecedented fashion, we were able to meet the compliance deadline and maintain over \$2 million of state funding.

In partnership with Marshall County, we won the Association of Indiana Counties' 2014 Local Government Cooperation Award for our Fiber Optic Infrastructure project that took the MetroNet to the southern portion of the County, all the way to Plymouth.

We flat-lined our health care expenses for the third year in a row, which is nothing short of remarkable considering these times where health care costs are sky rocketing. We are spending less money annually than many entities a fraction of our size. In addition to the Solid Waste District, we also brought Clay Township into our plan, which will save tens of thousands of taxpayer dollars.

Our partnership with enFocus let to the renegotiating of IT contracts that saved over \$160,000 and produced significantly deeper discounts on our IT purchases. Based on another of their recommendations, we hired an IT Coordinator for the County. This has allowed us to streamline systems and increase productivity, all while reducing our expenses.

Our efforts to enhance economic growth and development continue to pay dividends with Mercedes-Benz moving operations to the area and General Sheet Metal announcing their expansion. These projects alone will generate tens of millions of dollars in capital investment, while creating and maintaining hundreds of jobs.

As we look back to last year at this time, the biggest challenge we faced was improving our Leaf Pick-Up Program, which simply did not live up to our expectations. We significantly reworked the routes and tweaked the schedule, and despite one of the worst snow events ever recorded in November, we completed the program on schedule – and there is still one pick-up remaining this spring.

For everything we accomplished last year, there is still much to be done in 2015.

Beginning this Monday, there will be a new, daily train travelling to Chicago and back, in under 2 hours each way. This Sunrise Express will make us a more viable commuter option to Chicago and get us closer to our goal of a 90 minute train ride.

We are working with Elkhart and Marshall Counties to establish a new Forensic Science Center in St. Joe County to more effectively contain costs, while increasing levels of service.

We continue to engage with enFocus to upgrade our entire telecommunication and digital infrastructure, not to mention working with Public Works to establish a work-order management system to more effectively manage all Highway Department projects to provide more accurate tracking and improved customer support functions.

The renovation of the old jail into new court space remains on schedule, with an anticipated completion by the end of this year.

The end of 2014 saw the departure of Commissioner Marsha McClure, but Dr. Deborah Fleming has quite capably stepped in and we're very excited to have Commissioner Fleming onboard.

We are working with both the Penn Township and County Assessors to implement a new software program that will help increase accuracy as properties are entered – and as appeals are necessary – which should help stabilize the County's Net Assessed Valuations.

We need to continue our focus to provide rail access to appropriate sites in the north-east portion of the County. Rail service remains one of the most sought after components to major manufacturing development, and we must position ourselves accordingly.

Lastly, we are going to do something a long overdue, hire a Director of Economic Development that will report directly to the Board of Commissioners.

This individual will coordinate our enhanced efforts in Indianapolis along with the Chamber's role as our Lead Economic Development Organization, to firmly position St. Joe County as true economic destination.

They will serve as the conduit between the private sector and governmental offices, by working with Area Plan, the Board of Zoning Appeals, Building Department, etc. to streamline processes wherever possible.

They will also interface with existing businesses here in the County to see how we can better serve their needs.

We hope to have this position hired by the end May, and it will be a significant new instrument in our economic toolbox.

Lady, Gentlemen, and Rafael – I thank you for this opportunity, and more importantly – I thank you for all you do for the citizens of St. Joseph County.

No report from Special Committees

First Readings:

BILL NO. 2-15: AN ORDINANCE APPROVING THE PETITION FOR SPECIAL USE FILED BY ROBERT B SMITH FOR THE PROPERTY LOCATED AT 11917 FRANKLIN STREET, OSCEOLA INDIANA, 46561 THE SAME BEING PETITION NO. 03-04-15-17 FILED BY THE AREA BOARD OF ZONING APPEALS
Assigned to the Land Use Planning Committee

BILL NO. 14-15: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL TRANSFERRING THE REAL AND PERSONAL PROPERTY TAX ABATEMENT GRANTED TO STRIPCO INC. (AND AFFILIATES AND LESSORS) UNDER RESOLUTIONS R19-08, R20-08, R06-11 AND R07-11 TO STEEL TECHNOLOGIES LLC DUE TO CHANGE IN PROPERTY OWNERSHIP PER IC 6-1.1-12.1-5
Assigned to the Land Use Planning Committee

BILL NO. 15-15: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTIES LOCATED AT 54704, 54738, 54716 TWYCKENHAM DRIVE & 18429, 18389, 18449 VANESS STREET, SOUTH BEND, INDIANA, 46637 FROM R SINGLE FAMILY DISTRICT TO PUD PLANNED UNIT DEVELOPMENT DISTRICT PETITIONERS: THE UNIVERSITY OF NOTRE DAME DU LAC
Assigned to the Land Use Planning Committee

Resolution:

BILL NO. 12-15: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL HONORING AND CONGRATULATING CINDY WARD ON HER RETIREMENT FROM WSBT 22 NEWS

WHEREAS, the St. Joseph County Council represents all citizens of this fine County and, periodically recognizes persons who by their dedication and hard work have distinguished themselves in our community; and

WHEREAS, Cindy Ward will retire from WSBT 22 News on February 25, 2015 after anchoring the news for nearly 30 years; and

WHEREAS, Cindy began her career in TV news in Ohio before moving to Kentucky and finally settling in South Bend, Indiana in 1986; and

WHEREAS, Cindy has covered the Democratic Convention in Atlanta, had a walk-on role in a CBS soap opera in New York City, and conducted local interviews with Oprah Winfrey. Cindy has been the recipient of a number of awards including the Sagamore of the Wabash issued by the Governor of the State of Indiana.

WHEREAS, Cindy has diligently and honorably served for many years in her capacity providing leadership in her anchoring responsibilities in the newsroom partnering with numerous co-anchors and reporters, conducted thousands of interviews, and cared deeply about the community and the stories that affect us.

NOW THEREFORE, BE IT RESOLVED BY THE ST. JOSEPH COUNTY COUNCIL, THAT:

SECTION 1: On behalf of the citizens of St. Joseph County, Indiana, the St. Joseph County Council recognizes and congratulates Cindy Ward for her accomplishments, including, but not limited to, her sincere dedication to an exemplary journalism career and reporting with integrity, candor, wit and accuracy.

SECTION 2: The St. Joseph County Council is especially proud to recognize that Cindy has brought honor to herself; her former colleagues at WSBT-TV; her countless number of friends; and especially to St. Joseph County, Indiana, which she has called home for many years. The St. Joseph County Council sincerely wishes Cindy, her husband Bob, and their family all the best in the years ahead, and hopes that they will continue to enrich our County with their presence and active participation as citizens.

Passed and adopted this 10th day of March, 2015.

Cindy Ward: This is really wonderful, I can't tell you how much I appreciate it because when you are recognized by the people in your hometown, it's extra special because you live and work in the place and to

recognized by those people is better than anything in the world so I appreciate this so much. Don't worry, it was As the World Turns, I don't know if you watch Soaps, and I was just terrible. They had to do take after take because I missed my cue to walk out, every time. It's great to take the time tonight; I know you are very busy tonight, to honor me this way, I am kind of overwhelmed. Thank you very much.

Mr. Morton: I would like to say, I have had the distinct pleasure of working with Cindy and Bob because Bob worked at WSBT and he was The Man, for twenty five years and we have become very close friends and I have the upmost respect and admiration for both of them. well, really just Cindy. Cindy, your skills, your insight and your professionalism as a journalist are beyond outstanding and you are simply the best, I am glad to call you my friend. Thank you for a job well done.

Motion to pass Bill No. 12-15 was made by Mr. Catanzarite and seconded by Mr. McCahill. Bill No. 12-15 was passed to-wit; 9-0.

BILL NO. 13-15: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL, INDIANA, OPPOSING SENATE BILL 198 AND HOUSE BILL 1019 WHICH WOULD REPEAL THE COMMON CONSTRUCTION WAGE LAW

Corey Noland. 19024 Glendale Avenue, South Bend, 46637, **Whereas**, the State of Indiana's Common Construction Wage statute was first enacted in 1935; is commonly referred to as a prevailing wage law; and governs wage rates paid to construction workers on Indiana's public works projects; and

Whereas, these wage rates are adopted by Common Construction Wage Committees in each project county in public hearings where a public works project is estimated to exceed \$350,000.00 in construction costs which would be paid for by state or local funds and would be owned or leased with an option to purchase by the state or a political subdivision; and

Whereas, those committees are equitably comprised of representatives of the owner, industry, labor, the Governor of Indiana, and the County legislative body and tasked with determining the rate of wages that are currently being paid in the county where the project is located.

Whereas, currently Senate Bill 198 and House Bill 1019 are pending in the Indiana General Assembly, with both bills proposing to repeal Indiana's Common Construction Wage law with an effective date of July 1, 2015; and

Whereas, the St. Joseph County Council wished to support our local workers and employers by maintaining an 80 year long tradition of holding bidders on public works projects accountable to compensate workers at the existing local standards; and

Whereas, a local population of skilled construction workers who receive decent wages, health care and retirement benefits for themselves and their families benefits the entire community; and

Whereas, the existing law lets the local markets set the compensation level for workers as opposed to allowing governmental agencies to use their buying power to undercut the private sector and suppress established local wages and working conditions; and

Whereas, the existing law was created to help ensure that local companies and workers benefit economically from the public works projects funded by local tax dollars and this premise is imperative to fueling our own local economy.

Now, therefore, be it resolved, as follows:

Section 1. The St. Joseph County Council recognizes that for the past eighty (80) years, Indiana's Common Construction Wage codified with *Indiana Code § 5-16-7-1 et seq.*, has consistently promoted efficiency, quality, and safety by providing for a stable, well-trained labor force on public works projects throughout the state.

Section 2. The two (2) Bills currently pending in the Indiana General Assembly would repeal this state law which could result in a reduction of wages, fringe benefits, and safe work practices for St. Joseph County construction

project workers; and may undermine proper training for public construction workers similar to the 1930s when workers from outside of the State of Indiana undercut Indiana contractors with less-skilled, lower paid workforces.

Section 3. The sponsors of the two pending Bills have yet to address any of the potential negative results if either of these Bills are passed, such as how it would impact:

- Safety of the workers and the public
- Quality of construction
- Diversity of the workforce
- Training and apprenticeship programs
- Wages, health care, and pensions

Section 4. For these reasons the St. Joseph County Council opposes the repeal of the Indiana Common Construction Wage statute.

Dan Herbster: The Common Construction is something I have had the opportunity to study a little bit in law school and a law and economics class and my conclusion is, it's one of those many things that sounds very good to ensure good wages for people but in effect is a top down government way of manipulating the free market. Even if it does any good at all it is a huge expense with having to hold hearings in every county in Indiana regularly, I think that is a waste of tax payer dollars and I think, especially with the tight budget constraints we'll be facing as a county in the near future, we need to make sure we are as good of stewards of tax payer dollars on public works projects as possible, so I know Common Construction Wage sounds good, I applaud the Indiana legislature for trying to eliminate any impediments to economic development prosperities in our state.

Diana Hess: I would like to weigh in that I think at this time in our economy it's important that our wages are maintained. We have problems in this county, if you look at the ALICE Statistics, there is a high level of people living with less than self sufficiency wages in our county and to think that we are going to take money out of the pockets of our taxpaying citizens, I think, is just wrong at this time, thank you.

Jamie O'Brien: I share Mr. Herbsters observations and I have enthusiastically supported to and will continue to enthusiastically support the efforts in our state capitol to save Hoosier tax payers, not just in St. Joseph County but around the state, what I anticipate to be tens of millions of dollars over the next decade by reducing the cost of public work projects. My question, not only whether it's fair to our tax payers but whether it's even ethical to artificially inflate the cost of government projects by inflated labor rates. It really comes down to whether we want to let the markets set the rate or the government to continue to overspend and I think, or I know, as far better to let the government, to let the market, make that decision through competitive bidding. As is often the case, where there are disproportionate benefits, there's a lot of effort to preserve the status quo and the subtle costs rarely get voters or tax payers excited. Fortunately, it's my understanding that the legislature is going to put an end to this practice within the next couple of weeks so I certainly respect the concept behind the resolution but I don't think it's prudent.

Mark Catanzarite: Not to be redundant but what was contained in the bill, I can't help but think what's been going on since nineteen thirty five, almost eighty years in our county to set Common Construction Wage, wages in each county specifically government public works projects is an important, I've sat on these boards before, as far as the expense of the board, it's a voluntary board, there is no compensation for the board, the only person that might be paid is the state employee that has to come from Indianapolis who schedules these things and they work regionally so it's.... to come up to South Bend all the time to do this. What was mentioned in the ordinance or the resolution is trying to keep our wages local, the wages we have established in our county, the people that have helped build this building or build Notre Dame for a matter of fact, the skilled labor forces on that throughout the history of our county. I hate to see us have the state repeal this for the simple fact that I'd rather keep those wages right here in our county for those public construction projects and if the wages can't be kept in this county at least whoever would come in and bid at a lower rate would at least pay their employees the going rate that our employees in our county are used to being paid so it puts it on a fair playing field, so on the contrary, I would disagree with my colleagues Mr. Herbster and Mr. O'Brien and would ask and urge our other Council members to consider passing this resolution tonight.

Corey Noland: I really don't have a whole lot to add to what Mr. Catanzarite said, but, my feelings are that it's a, using the community's standards of what the wages and benefits have been set in the community, it's not inflating them, it considers what is the common wage in the particular area where the project is going to take place and I think that's an important thing and we want to keep our jobs local or at least, as Mr. Catanzarite said, if somebody is able to pay equitable wages and benefits and are able to do it lesser than, so be it what it is, but we shouldn't allow just the

absolute lowest bidder, no matter what, whatever their standards are, to come in and when you mention this building being built, I am certain, that table or this dais up here was not the absolute cheapest piece of furniture they could find when they built this building, why is it that the people, the workers, the concept is, the absolute cheapest is the best way to go, what you do is you buy what is valuable, you find the best value for your money and that's the way you spend your money.

Motion to pass Bill No. 13-15 was made by Ms. Hess and seconded by Mr. Kruszynski. Bill No. 13-15 was passed to-wit; 6-3. Against: Mr. O'Brien, Mr. Herbster and Mr. Root.

SALARY AMENDMENT:

BILL NO. 10-15: AN ORDINANCE AMENDING ORDINANCE 50-14, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2015(Dept. 0008 Agri Agent)

Assigned to the Budget and Administration Committee

Mr. Root reported that Bill No. 10-15 comes with a favorable recommendation.

Phil Sutton, Purdue Extension, this is just, what we are trying to do here is even out things. We didn't need the Office Manager position, we needed a secretary position, so this just makes it an even playing field.

Motion to pass Bill No. 10-15 was made by Mr. Catanzarite and seconded by Ms. Hess. Bill No. 10-15 was passed to-wit; 9-0.

BILL NO. 11-15: AN ORDINANCE AMENDING ORDINANCE 50-14, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2015 (Dept. 0049 Juvenile & Probate Court)

Assigned to the Human Services/Criminal Justice Committee

Mr. McCahill reported that Bill No. 11-15 comes with a favorable recommendation.

Pete Morgan, Executive Director, St. Joseph Probate Court, what we are seeking would allow us upgrade a Bachelors level counselor position in our Mental Health and Social Services department to a Master's level licensed position in the same department. The upgrade we are seeking, we would, by rearranging some of the contractual relationships that we now have to provide services in our mental health department would allow us to do this amendment with probably a net savings to our budget overall.

Motion to pass Bill No. 11-15 was made by Mr. McCahill and seconded by Mr. Noland. Bill No. 11-15 was passed to-wit; 9-0.

Public Hearing/Public Comment:

BILL NO. 9-15: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT

TRANSFER

A. Community Corrections
CTP Fund

FROM: 9115-01412-015-0080	State Grant	\$ 53,118.65
TO: 9114-31070-015-0795	Contract Svc.	53,118.65
	<u>TOTAL:</u>	<u>\$53,118.65</u>

B. Community Corrections
CBC Fund

FROM: 9114-11370-015-0795	Det. Officers	\$ 2,000.00
TO: 9114-21030-015-0795	Office Supplies	2,000.00
		<u>TOTAL: \$2,000.00</u>

FROM: 9114-11370-015-0795	Det. Officers	\$ 2,000.00
TO: 9114-36011-015-0795	Bld. Maintenance	2,000.00
		<u>TOTAL: \$2,000.00</u>

C. Purdue Extension
General Fund

FROM: 1000-11610-000-0008	Office Manager	\$ 25,000.00
TO: 1000-11652-000-0008	Secretary 1	25,000.00
		<u>TOTAL: \$25,000.00</u>

APPROPRIATE

D. Auditor's Office
Ineligible Deduction Fund

1300-31100-000-0002	Healthy Lifestyles	\$ 8,000.00
1300-44510-000-0002	Furniture & Fixtures	10,000.00
		<u>TOTAL: \$ 18,000.00</u>

E. Domestic Relations
DRCB Fees

4900-21030-000-0054	Office Supplies	\$ 3,000.00
4900-32020-000-0054	Travel	7,000.00
4900-32050-000-0054	Instruction & Training	5,000.00
4900-39750-000-0054	Data Processing	7,000.00
4900-44250-000-0054	Office Machines	1,000.00
4900-45510-000-0054	Furniture & Fixtures	1,000.00
		<u>TOTAL: \$24,000.00</u>

F. Health Dept.
Medical Reserve Crop/Health

8110-32200-000-0055	Telephone	\$ 1,500.00
8110-44311-000-0055	Emergency Equipment	2,000.00
		<u>TOTAL: \$3,500.00</u>

Motion to pass Bill No. 9-15 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 9-15 was passed to-wit; 9-0.

Public Hearing/Miscellaneous Matters:

BILL NO. 69-14: AN ORDINANCE CONCERNING PATIENT SAFETY BILL PETITIONERS: DAN HERBSTER, MIKE HAMANN AND JAMES O'BRIEN

Mr. McCahill reported that Bill No. 69-14 comes without a recommendation.

Dan Herbster, Offices on the 4th floor of this building, I am here on behalf of my co-petitioner's, Jamie O'Brien and Mike Hamann. I will note that the bill needs to be amended, that amendment was sent to you Tuesday and again was sent to the Council Secretary and President Morton this morning, or yesterday afternoon, simplified amendment to this bill, so it needs to be amended but I will go ahead at this time and discuss the bill in general. As a general overview, my colleagues, Mike Hamann and Jamie O'Brien and I became of aware of the Allen County ordinance that effort to address.... Medical providers, including abortion providers, also became aware of the Kermit Gosnell travesty that

took place in Philadelphia and other instances of abortion clinics with incredibly substandard care and felt like there was a need for greater accountability in local government for abortion clinics in particular, now we have looked, several different drafts as the three of us have been working on it, either broader or more narrow versions and eventually decided that our concern is with abortion providers so we are going to keep it at abortion providers, if there are other, we have reason to believe there are other people providing similar surgical, invasive surgical procedures that need to be roped in that is something we can consider but at this point, the evidence that has been presented to us, overwhelming, shows that there is a greater need for accountability in the abortion industry. I just want to be clear, what the amendment that is before you tonight does and does not do. It does not include any ambulatory surgical centers, we did hear from a number of them, part of inclusion for them, the rationale for including them was because their surgeons are already required to have admitting privileges so it's not perceived as something burdensome and that was seen as a way of treating, of including people besides abortion providers. Heard a little bit from the ambulatory surgical center community and one, they were insulted to be grouped in with abortion providers but they also felt like given that their track record of very good service compared to our local abortion clinic, they felt like it was unnecessary, so in order to keep the issue focused on accountability for the abortion industry, we decided to simplify the amendment so it does not include ambulatory surgical centers, what the amendment does, the major changes in the simplified amendment are that non-reverting fund is included just to make it very clear that the funds that are garnered through fines and through fees will be used for enforcement and also at behest of the Health Board, allowing for a physician designee, but making sure the physician designee is qualified and competent to handle abortion clinics, so that if the abortion provider themselves are unable or unwilling to get admitting privileges themselves, they could select a physician designee, who has some basic qualifications to ensure they have, they are competent to handle those things. I did want to weigh in on the recent letter that came in last night from the Board of Health, other I am sure will speak to that but just in brief, to say that, I'm troubled by that letter, to say the least. I'm troubled because, for one reason, having met with our interim Health Officer, Dr. Deardorff, he spoke to me and Mike Hamann and others were there and basically had me understand that the Board of Health would not object to the concept of the bill if we included a physician designee, so we went back to the drawing board, another reason to include the opportunity for a physician designee, so I was kind of floored when I saw this unanimous letter in opposition. I am also troubled by the claim that it makes it that no medical professional spoke out or felt that there was a need for this, but based on just a sampling of what we have heard so far, makes it very clear that there are many doctors, OB/GYN's, specifically nurses and other medical professionals that believe there is great need for this bill. I am sure we will hear from many tonight as well. The other issue, the Board seems to be taking on itself to determine what is or is not pressing public policy and my position is that we, as the elected representatives of the people of this County are the ones to determine what is or is not important public policy issues, I am really troubled by what I perceived to be the palatalization of the Health Department. The other matter is, it's difficult for me to take, obviously, the Board of Health is coming across as medical professionals, it's hard for me to take their opinion seriously when in one of their pages, they cite a basically a bogus statistic. They seriously have pervaded to us that abortions are safer than child birth. That statistic is easily debunked; I've done it in the South Bend Tribune and just the fact that they would share a bogus statistic like that just undermines, in my mind, their credibility. There is some discussion whether they were included; we met with them very early on with a draft of this bill. One of the bits of feedback I got was they got was they were concerned about, at that time, the broad definition of people who provide invasive surgical procedures or who are alternate medical providers and so that was one of the things that caused us to go back the drawing board, saying, maybe we should just focus on what we are really concerned about, abortion providers. The other objection I got was basically a policy decision that they felt this was not a public health issue. Based on the voluminous evidence I have seen, I don't understand how I can take seriously to say this not a public health issue. Those were the two take a ways, obviously I still felt this was an important public policy issue but we narrowed the scope, made some other changes, they saw the other bill, we had a second meeting and we discussed their feelings with the bill, again, I was told the Board would not have a problem with the concept of the bill as long as we allowed for physician designee, so we worked very hard to work on amendments, there were two different drafts for that amendments, the Board had the opportunity to look at that and and the last minute, we get this letter. There was some discussion as to why the Sheriff and the Prosecutor weren't included, there is a really simple reason because the Sheriff and the Prosecutor weren't included as basically as a back stop in case the Health Department kind of drug its heels on enforcing this ordinance at the time, you will notice in the language the enforcement provision, it's says that these entities may, not shall, enforce this ordinance, so they have the option if they feel that for whatever reason the Health Department is not following through on this, this one of the reasons they weren't, they are not required to do anything under this ordinance, it's purely permissive. I felt like it was important to address, I wanted at least a day to gather my thoughts and to review their letter, also, soon you will be getting in a packet a letter from Casey Mattox, who is an attorney for Alliance Defending Freedom, which is one of the premier public interest law firms in this Country and in this world. They also assisted Allen County in defending their ordinance with no cost. In that letter, you will see a lot of rationale for the constitutionality of this measure and for measures like it. You will also see some very chilling descriptions of instances of where greater local oversight of abortion clinics would have been very helpful and at the very end of that letter, you will see that he says that Alliance Defending Freedom would be very

interested, if our County ever is sued over this ordinance in providing legal services to us at a pro bono basis. In case any of you had questions, more of a medical nature or of a legal nature, I believe Casey Mattox is here. Also, we have Dr. Rice, he is available if you have any further medical concerns, and he is very familiar with the concept of admitting privileges. I just want to encourage you to weigh the evidence you are going to hear you are going to hear tonight to make an open minded decision to ultimately, we all need to answer to our consciences and to our maker on how we vote on this ordinance, I just leave that with you.

Mr. Noland: Just to clarify, I was not able to see what got sent today, the ordinance, as amended, is exactly the same as what we were provided on March 3rd.

Mr. Herbster: Was that Tuesday? Yes, that is the exact same ordinance.

Mr. Morton: Before we open public hearing on this bill, obviously, it's very contentious, very controversial, so with that said, I will ask to refrain from any outburst and/or clapping. Also, please be sure to sign in, and please be sure, before you start your comments, that they will be conscious and within the three minute period because, in respect of everyone's time here tonight, and I am sure we have a lot of speakers, when you hear the timer go off, that's it. With that said, we will now open the public hearing on Bill No. 69-14.

Jeanette Burdel, 901 N. Notre Dame, Ave., Director of St. Joseph County Right to Life, this bill was about patient safety, specifically for patients who have complications from abortion by a provider in our county, however, sadly, and shamefully, it has become about politics. None the less, we will demonstrate to you the facts of the current situation, including medical evidence, testimony from those in medical communities who deal with this problem, numerous patient complaints and testimonies injured by our current abortion provider and overwhelming community support. All of which the media, those opposed to the bill and now the County Board of Health erroneously claim is lacking. You are receiving now a binder of documentation in support of the Patient Safety Bill. As you will notice, in the table of contents, we have supplied information, which you have asked about, and more. Some of the testimony you will hear can be found in these pages and some of the speakers will refer to them. The reason St. Joseph County Right to Life became involved in this matter is because we know a lot about abortion, not just from a social perspective but also from a physical and medical perspective. Our office is next to the abortion facility, so we know firsthand some of the bad practices that go on there. We have witnessed women coming from there, having to be carried out, no ambulance called, not even a wheel chair ramp for them. I bet that no County Health Department employee or board member has been inside that place. We represent ten thousand members plus others in this community who support this bill for common sense reasons. They are represented in part by some who are here today and in support of the bill, who I ask now, both in this room and in the hallway to demonstrate by show of hands and signs. And how many are in the hallway please? Some people are focused only on what they preserve to be a challenge to abortion rights and are opposed to any laws that regulate the abortion industry. They refuse to consider this bill on its merits and how it will help protect women by making abortion safer. The bill will have no effect on women's rights to legal abortion. The problem in our county lies with the abortion provider. Other outpatient providers and invasive procedures fall into the category ambulatory surgical centers, which are already more highly regulated than abortion facilities. The local abortionist does not accept insurance nor receive Medicaid funds, no regulation there; he has no governing board, medical partner nor peer review of any kind. This bill would lend the necessary oversight that other comparative providers in our community receive. Furthermore, this bill is not just about our current abortion provider, while he has been performing in our community for thirty one years in a way that is far below common medical standards, as you will hear, the concern is for women safety, should another provider come to our area. If laws are not in place, a safer, more professional provider should replace the one we have now, if laws are put in place. This should be common ground.

Glenn Kohrman, 56405 Mayflower Rd. South Bend, I was a faculty member at Ancilla College, I taught Ethics. I am not sure your faith tradition, some of you may believe in God, I believe most do, if not, I think it's safe to say, you all believe in the human person. This legislation is simply trying to provide and protect vulnerable women. I can't imagine anyone who wouldn't see the importance and value of defending and supporting the necessary medical care if something goes wrong. You all will be judged by a higher power, it's up to us to make sure we have a well formed conscious. I for one, I can't see myself supporting anyone who wouldn't support the most vulnerable in our community so I would just encourage you, esteemed persons, who have infinite worth, infinite dignity to vote what is right and true, in the defense of the people who maybe damaged, maybe threatened, maybe harmed. I would just encourage you to vote what makes common sense.

Trina Gibbs, 53105 Towhee Lane, South Bend, 46637, I am a speech language pathologist, I have a Masters degree, what you don't know about me, looking at me is, I had a choice, I made a choice and I had an abortion. I actually know Mr. Hamann, I see so many people I have known for years past and to you guys, I have actually been in the

room when a masked man comes in and haunts my nightmares. I was completely and utterly a normal functioning human being, I graduated with a four point zero GPA, I was always functioning, volunteering, this happened to me, there was nothing provided to me, there was no one that I was referred to for psychological issues. What ended up happening is, I became suicidal, I didn't want to live anymore. I didn't know who to turn to because I was embarrassed because people know me, people will think I'm a horrible person. That abortionist had to know that when he walked in with a black mask and a black outfit and didn't speak, he had to know that it would affect my life. With that being said, as I was screaming, and all of the women were screaming, no one's been in the room, it's not how they described; someone needs to be there afterwards. I have journal after journal entry of about how I spent five years under the care of medical professionals following what happened. I have two beautiful children and I also have a child I carry in my heart, this is the only picture I have of this child. I needed somebody after I had that horrific abortion, the worst pain I have ever felt in my life, the worst I have ever felt about myself, the most ashamed I have ever been. If someone could have provided me something, it has taken me five years to stand here, people don't tell you what really happens, something needs to be done.

Nelson Peters, 200 E. Main Street, Fort Wayne, I am an Allen County Commissioner. I wrote the Allen County Patient Safety Ordinance back in two thousand four; I learned that there are a few concerns tonight that I might be able to speak to regarding our experiences in Allen County with an ordinance very similar to what it is you are deliberating tonight. The first question was, why should local government even be involved in an ordinance like this? Frankly, it's the responsibility of county government to ensure that its citizens are provided with the best health and safety available. The government that can best serve the needs of its constituents is that which is closest to the people. Additionally, when the state gets involved, as you well know, they often propose a one size fits all solution when the County has its own unique needs. The fact is, one size does not fill all. Other concerns included potential litigation, we did in fact face those challenges that for passing our ordinance, but were assured by the ADF that they would defend any issues for free, they did and through the process, we prevailed, incurring no cost for legal services. We also spoke to our two major hospitals as well as our Health Department about concerns that they might have. What we learned was that the hospitals were excited about the prospects of welcoming additional physicians into their systems who have admitting privileges. They said the higher standards would enhance their operations as well as the health and safety of the community. Similarly, our efforts were aided by the fact that two board of health members who are physicians, actually helped to write the ordinance and pushed it through the approval process. One last consideration was cost to tax payers, under your model, the enforcement is complaint driven. While complaints of this nature being considered in this ordinance do occur, they typically don't happen with great regularity. Consequently, investigations of these complaints in Allen County have been done by present staff as necessary without the cost of adding new personnel. The ordinance will not ensure that women are never harmed by abortion and it's not intended to close down such operations but passing propose ordinance 69-14 will certainly do one thing, it will ensure your citizens are provided with the best health, safety and welfare of available. Thanks for the opportunity to share my perspective and will be happy to answer any questions.

Chris Quinn, 1326 Ridgedale Rd. South Bend, 46614, I am a family physician and have been practicing for twenty two years. I'd like to give a doctors point of view. There was a claim that a lot of doctors don't have hospital privileges now and it's true that a lot of primary care doctors use a hospitalist to take care of their patients, I do but I still have hospital privileges and so do my partners. I think it's different for doctors who perform procedures. If they don't have hospital privileges they would need to have a very well organized call coverage system and I don't think that's happening in certain areas. Proceduralist have to have a good call coverage so their patients can be taken care of if something happens after hours. Abortion providers, their coverage is very vague, the list is kept in Indianapolis to protect the identity of the covering physician. This would not happen in any other specialty. For example, in orthopedics, if a doctor is a solo practitioner did a knee scope on a Friday and left town and that patient went to the Emergency Room and there wasn't anyone covering for him and a doctor from another group had to cover, I can tell you that wouldn't happen a second time because the other group wouldn't let it happen. They would demand that the doctor have a good call coverage system and the hospital privilege system allows for that to happen. Thirdly, my concern would be anesthesia. Without hospital privileges, who's currently monitoring the anesthesia? This is something that can be very dangerous even life threatening and who knows what quality is being provided. Having hospital privileges would allow for peer review and proper credentialing of these issues. The last issue would be cost. In my mind, if someone's in compliance, this would not cost anything; it would be opening a file to see that they have hospital privileges. If they weren't in compliance it would be worth the cost to figure that out and make sure we are providing safe care for people. Thank you.

Carlton Lyons, 51694 W. Gatehouse Dr. South Bend, I am a practicing Obstetrician/Gynecologist in South Bend for the past twenty three years, I now practice gynecology and urogynecology. I stand here today on behalf of myself and many of my fellow colleagues to bring to your attention a very dire situation. Women in our community are seeking pregnancy termination are at serious risk in St. Joseph County due to a physician who performs these procedures. He

performs these procedures but does not follow up with adequate care. He forces the medical community to fill in for the void that he creates for his patients by his... (inaudible). It is an unfortunate and familiar situation to myself and to most of the physicians in my field in St. Joseph County and that is, an urgent phone call from the emergency room regarding a patient who had a recent abortion, having serious complications. These complications range from sepsis or blood infection, bleeding, uterine perforation or incomplete removal of products of conceptions. Most of these patients require hospitalization and often require surgery to manage these complications. These complications can also result in infertility and chronic pain, less than a year ago, I personally had a very difficult experience with a physician providing these aborted services. A woman who he performed an abortion on was admitted to the emergency room with complaints of severe abdominal pain. A CT scan revealed a large amount of blood in her pelvis and she required surgery. I called the physician in question and asked him how he wanted his patient managed. I asked him if head admitting privileges at St. Joseph Regional Medical Center to which he said "no." I asked him for his back up physician, that he would come in and assume care for the patient and he refused, he said "he did not want to give me that name as he did not want to make it public." I told him I was not interested in making the name public only to get the patient of his taken care of. I asked him what did he want me to do at this point and he said, "You can take care of her." I said to him, this is not my patient for the procedure that you performed. I said, I need you to come in to take care of her, to follow up with her care. He repeated, "I do not have admitting privileges" and left me with no other options for the management of his patient. I had to take the patient to surgery; unfortunately, patients like this are not an isolated incident. There is a high level of anxiety of and frustration amongst emergency room physicians and obstetrician when it comes to managing and providing care in this situation. The normal process for one physician assisting another physician in the care of a patient is direct consultation.

Mr. Herbster: You were about to explain the process works, could you just finish those thoughts about how it's ideally supposed to work?

Carlton Lyons: Thank you. When a physician needs help with another patient, he asks for a consultation. That consultation is for expertise he may or may not have or for coverage he cannot provide at that time. When I asked him, he did not ask me for consultation. He just said, "You take care of the patient." That constitutes as abandonment because that patient does not have anyone she can go to except at the mercy of the hospital staff that is there for emergency care.

Dr. Kelly McGuire, 14731 Carrigan Ct. Granger, 46530, Dr. Lyons and I practice together for several years; we are both Allied Physicians together. As I testified previously, I too have taken care of patients who have had complications as a result of abortions performed here locally. I estimate that I've taken care of at least five patients who have had abortions with complications. Unlike Dr. Lyons, I have not called Dr. Klopfer to manage his patients, I kind of wish I would have but I have taken care of them on my own which is kind of a daunting task because if you really don't know much about what has gone on, you are basically left with a patient who has complications in the hospital and you have to start from scratch and take care of a woman who has a serious medical complication in each and every case. The thing I find kind of strange about this whole thing is in any other case here, if any of your family members were going to have a surgical procedure, you'd want them to get the best care and this is really just about our family members, each and every one of you, you're representatives of our community and that's all we are looking for here, I am not here to make a judgment on abortion. This is good medicine. If I perform a medical procedure, I am expected to follow up on that patient. All we are asking somebody gets assigned to take care of those patients who has availability to his medical records and knows happened to those patients, who knows what antibiotics were given to them, who would know if there are any complications with the procedures, all the rest. Just good, sound medical care just like anyone else would expect.

Kevin Kaufhold, 22469 Walnut Ct. South Bend, 46628, I am a family physician and I am asking you to support this. All physicians have taken the Hippocratic Oath and promise to practice medicine in an ethical manner and above all, to do no harm. This is not about abortion; it is about the privileges for the physician at the local hospital to perform appropriately in this community. The physician needs a plan of managing complications. Most states, abandonment of these patients can mean the end of that physician's license. In my opinion, this question passes my Hippocratic Oath test, to do no harm in this situation and to respect the autonomy of the patient, the physician should be able and required to address complications should their procedures at any hour.

Roger Blaine, 4317 Lincolnway East, Mishawaka, I would like to read a letter from Dr. Donald F. Zimmer of South Bend emergency physicians: Dear members of the Council, in the emergency department, we are daily beset by tragedy and strife. Many of the (inaudible) and conflict we confront are unavoidable process's of nature yet many as well are exacerbated or enlisted by mankind to the degree that the problems we face are manmade are often reflective of our societal problems, such as, obesity, sedentary lifestyles, alcohol and drug abuse and violence, yet in our combat of our man made problems, we see the best of our society as well and manmade solutions. It is here we see ingenuity,

compassion and cooperation. However, we can also see our societal failures and flaws when medical professionals fail to cooperate. Failed to care for complications of their making and neglect their very patients they have agreed to serve. To be specific, when we encounter a patient suffering from manmade medical complications, we expect to be able to depend on the provider who operated on that patient or at least one of the provider's partners to help us navigate that patient's care. They have a duty to that patient and to us as ER provider's to assist us and support us if not to come and frankly address the problem with the patient in the emergency room or at least to offer us their professional guidance and expertise. For nearly every outpatient and inpatient procedure performed in the county, this type of coverage and assistance is available and is depended upon. The lone exception is made when complications arise from the abortion clinic and that particular circumstance complications do arise, please make no mistake about this, current reporting mechanisms are deeply flawed. Patients present us routinely with hemorrhage, perforation, infection and pain. With the regard to the handling of complications from the abortion clinic, we are failing and our patients and our citizen of our county are suffering. I have been told of testimonials from patients who were told at the clinic to go to the emergency room for problems and tell us that they were having a spontaneous miscarriage and not to report the abortion procedure. If they are told to misinform the ER staff then an already challenging work is made harder, this is happening and is a real problem. In passing this bill, we will take one step forward to ensuring abortion providers are held to a standard of care that all other medical professionals in the county are already meeting and exceeding.

Walter Niegorski, 625 Peashway, South Bend, 46613, I am retired from full time teaching. I have come to support the Patient Safety Bill and I ask you to do the same for two simple reasons. First, better to be safe than sorry. My second simple reason is that this is an occasion for showing bipartisan support at the local level for the public good. I believe in local government and how it can contribute to a spirit of common action so different from that gridlock that occurs at other levels of government. What you are doing is truly government of the people.

Sarah Scarbrough, 20114 Baughman Court, South Bend, 46614, I am a registered nurse that is employed in this county. I work with a lot of women who are presently pregnant. Tonight I am here to advocate for the health of those women. Myself and my colleagues have met innumerable women who have had minor to severe complications. I have heard of months of prolonged bleeding that was from a failed abortion, heard that many times, severe infections, presumably from improper technique or improper sterilization of tools, even to life threatening complications. I have heard this reported over and over again. I am here to say the standard of care in our county that is very embarrassing and that can't remain. I urge you to not allow low standards of care to continue to hurt women.

Shalissa Hicks, 2215 Wiser Park, Fort Wayne, this is my second time coming here speaking on this. On February 19, I went to the Fort Wayne Women's Health Organization to get an abortion. Dr. Klopfer stated that everything was removed. He checks before the abortion and he checks again to make sure everything is out. In the process of him doing the abortion, he was rubbing across my stomach and he was like, "oh" but then he was like everything was ok. Well for four days, I end up bleeding, I was passing fetal tissue and blood clots so I took it upon myself to go to the ER. When I got to the ER, they stated that it was good that I came when I did because I had an infection in my blood stream and it was all the way to my heart so basically I could have died from that. While I was there I did call Dr. Klopfer and let him know that he left fetal tissue in me. He swore up and down that he didn't do it and I don't know what your doctor believes in but if you can prove to me that I left this, this and that then I will give you your money back. I went there, I bought a witness with me, she was unable to come in so as I went in there, I brought medical records that showed everything. I believe he even did the abortion and I was over what I was supposed to be or over like, I don't know, like going on four months maybe. He had me sign a piece of paper, at the time, I was really under duress, it was basically a paper stating that if you sign this, I'll give you your money back, you can't come back and sue me so basically that's how that went. He asked me, "Why didn't you call me?" I'm saying to myself, what are you going to do for me if I call you? If I come see you, you can't admit me then what is the problem. He was actually kind of angry that I went without calling him. To me, he also seems very high strung. When I got my money back, his nurse stated, "Well, aren't you happy you got a free abortion." I took it upon myself to remove myself because I didn't want to respond to that in that matter.

Cathie Humbarger, 4325 Winding Way Drive, Fort Wayne, 46835, I am the Executive Director of Allen County of Right to Life and Vice President of Indiana Right to Life. The Allen County Commissioners passed a patient safety ordinance similar to the one you are considering. Dr. Kly was so concerned about patient care that he volunteered to be the backup for the abortionist doing business in Allen County, Dr. Klopfer. Please set party loyalty aside and vote yes on 69-14.

Amanda Nero, 25376 Alfons Dr. South Bend, 46619, I would like to read a testimony of a woman who underwent an abortion in St. Joseph County. "Plaintiff sought the services of the defendant, which is Dr. Klopfer for a routine, obstetrical examination. Plaintiff charged that defendant erroneously informed that the ten week old fetus she was

carrying and had recommended an abortion as soon as possible. Plaintiff, who would not have decided for an abortion, had she not been told this, made an appointment with the defendant for an abortion the following day. Plaintiff charged that defendant performed an abortion, after which she experienced severe hemorrhaging and went into shock from loss of blood. She was hospitalized for ten days where it was discovered her uterus was perforated, punctured in two sites and that the unborn child she was carrying had not been dead but was a viable fetus at the time the defendant performed the abortion. Plaintiff further charged that as a result of defendant's carelessness and negligence she suffered pain and anguish to both her mind and body, suffered severe and permanent disfigurement and had to undergo a trans abdominal hysterectomy which includes removal of the ovaries. This woman will never be able to bear children."

Sally Thompson, 544 W. 12th Street, Indianapolis, 46202, I am the President of Urban Life Matters Ministries who cater to women who have had abortions. We cater to their mental, emotional and spiritual needs after the abortion. Dr. Klopfer performed abortions here in St. Joseph County today, for those women who may have complications, we must ask, where is Dr. Klopfer today?

Ben Thompson, 544 W. 12th, Indianapolis, 46202, as a minister, as you understand we are not slack on words. Tonight, I have been asked to read a letter and this is from a Michal Griffin, a Democrat. It says, "Dear Council, especially Democrats. I know some of you are still wondering if supporting 69-14 will align you somehow as a conservative. Not in St. Joseph County. Here are three reasons to vote yes. One, Democrats to not shy away from regulation that can save lives; two, Dems support science and good medicine; three, Dems here keep this word in this area of politics. Please vote yes and keep the pro life Democrat tradition alive."

Ellen Reilander, 212 S. Hawthorn Dr. South Bend, 46617, I support the passage of the bill 69-14. Dr. Klopfer performed at the Fort Wayne Women's Health Organization during the late nineteen eighties. A twenty year old woman died four days after undergoing an abortion at this facility. The Allen County Coroner ruled she contracted a bacterial infection during the abortion and the bacteria caused her massive infection, shut down her kidneys and killed her. Although the coroner called the infection a rare condition, a bacteriology book, Principals and Practice of Bacteriology, indicates that it is not uncommon at all. Please support this bill so all women can be assured of receiving continuing appropriate medical care regardless of their reproductive choices.

Kate Adams, 813 E. Angela Blvd, South Bend, I am one of those voters who relies on St. Joseph County Right to Life voter guide, I believe in it so strongly that actually, in our last election cycle, I was one of the coordinators that helped put together our voter education project and in that capacity, I have the privilege of a cordial conversation with my representative Mr. Noland and Mr. McCahill. I am going to read a summary of one of many complaints that have been filed in the courts by the local abortion provider that can be found in the patients complaints tab in your binder. The Plaintiff charged that defendant performed an abortion on her after which she experienced heavy bleeding, pain and severe cramping. After seeking other medical attention, she was informed she suffered from an incomplete abortion which required her to be hospitalized. Plaintiff further charged that the defendant performed the surgery at an unlicensed surgical facility. As you consider 69-14, I ask you to remember this woman.

Rachel Myers, 51141 Brenshire Ct. Granger, I also am presenting a complaint in front of the medical review panel against Dr. Klopfer and this is against the Friendship Family Planning Clinic in Gary Indiana. On the twenty sixth day of July, Anna sought medical services, examination and treatment from Dr. Klopfer at the family planning clinic for bleeding and pain related to her pregnancy, on that day Dr. Klopfer recommended and performed a pregnancy termination surgical procedure. Later that day it was determined the pregnancy termination was successful and then she was prescribed medication by Dr. Klopfer and sent home. On the tenth day of August, Anna returned for her post surgical exam and was again assured the procedure was successful. On the eighteenth day of August, Anna experienced severe and painful complications and stomach pains which required her to be transported to Broadway Methodist Hospital for emergency exam and treatment. At that time, it was determined Anna was still pregnant and that the fetus was then located in her tubes causing a rupture and a bursting of the tube. After that, Anna underwent emergency surgery including the removal of the ruptured tube and remained hospitalized for approximately three days. As a result states that under the exclusive control and treatment of Dr. Klpfer and the Friendship Family Planning Clinic, she received substandard care, treatment and medical advice. She now suffers permanent disability, permanent damage to both her person and her female organs. I would like you to vote yes.

Father James Rosselli, 402 Niesen Street, LaPorte, 46350, I volunteer with St. Joseph County Right to Life. We feel strongly about what we feel so we bring it to you to make a decision. That is the position you are in. Civilization is in your hands and the hands of people like you from the city council level to the national legislatures. This isn't about patient safety, about the legalization of abortion or the illegalization of abortion; it isn't about anything except safe people in St. Joseph County.

Diane Griffin, 51333 Outer Dr. South Bend, the only reason I am here is because this is truly something we need in our county.

Kathy Kershner, 538 Marquette Ave, South Bend, 46617, I am a teacher, I teach fourteen through eighteen year olds. It's a social justice class. One thing is for sure, abortion is legal in our county. Women get abortions, not like getting ice cream cones. Women get abortions the way trapped animals will chew their arms off to get out of a trap, they are not proud of it; they don't want to have to do it. From what I heard here today, a lot of those women end up being about as mangled as an animal that chews it's arm off to get out of that trap. I know that you believe in your position, I know that you believe in the stance and I believe that you believe in your own promises and pledges that you took prior to your elections, that you would keep these girls safe. Voting yes on this is really quite frankly, one of the easiest things that anyone who has taken a sworn office can do. I encourage you.

Anna McKeever, 804 Park Ave. South Bend, 46616, I support the bill and I will be reading a testimony from a women in St. Joseph County who had an abortion performed by Dr. Klopfer at the Women's Pavilion. The woman sought the services of Dr. Klopfer to properly perform the intentional termination and removal of her fetus. Dr. Klopfer performed the procedure for the purpose of terminating the pregnancy. The woman was released from the facility a few hours later even though she was reported of feeling bad. One week later she went back to the Women's Pavilion for a follow up visit. Upon the request of Dr. Klopfer and Women's Pavilion, due to the results of the pathology report on this specimen taken at the time of the abortion procedure, such results revealed that there was no evidence of fetal parts or placenta. The woman continued to experience pain, nausea, discomfort, extreme fatigue and abdominal bloating. Dr. Klopfer felt her symptoms were not due to an ectopic pregnancy but that her pain and discomfort was due to a tipped uterus and prescribed antibiotics to dissolve the clots. A week after that follow up visit, the woman was taken to LaGrange Hospital Emergency Room and transferred and admitted to Memorial Hospital in South Bend in shock and severe abdominal pain and internal bleeding. As a result of her condition, an emergency room operation was performed which revealed a fetus moving, with umbilical cord and ruptured tubal pregnancy, which resulted in the removal of the woman's fallopian tube and right ovary. Dr. Klopfer failed to detect the ectopic pregnancy, failed to take corrective action and failed to inform the woman of the pregnancy and resulting complications. I urge you to support the bill as well.

Mr. Morton: At this time, we will take a ten minute break.

George Brenner, 21931 Pine Hollow Lane, South Bend, 46628, I have a letter tonight from Randall J. Suiter who could not be with us tonight. I was most upset by what the Health Board had to say in the paper. Now, the letter from the doctor, I am a family physician working in South Bend. Clearly, under the current system, the significant number of women who undergo elective pregnancy termination are falling through the cracks. I believe this ordinance is a wise and important step of improving the medical care of some of our most vulnerable citizens.

Alicia Nagy, 310 Marquette Ave. South Bend, I stand up here tonight to please protect the rights of women to undergo a legal procedure with the same assurance of safety and the respect of her dignity that they would have undergoing any other medical procedure.

Elizabeth Capdeville, 511 Marquette Ave. South Bend, 46617, I am a mother of two young daughters and a professor at the University of Notre Dame, I have a PhD. I vote Democrat when I can because Democrats have supported women so well in so many ways. I support the patient safety ordinance. It would make abortion practices comparable to other clinics in our community.

Matthew Capdeville, 511 Marquette Ave, South Bend, 46617, I am here to talk briefly about the patient safety bill as well. For my part I am favor of the bill because it addressed a blind spot in our community's health care regulation. I would hope the Council would delay the vote until the concerns raised by the Board of Health can be addressed fully.

Lisa Everett, 22160 White Spruce Ct. South Bend, 46628, I would like to speak to you briefly tonight on behalf of the Catholic Dioceses of Fort Wayne/South Bend for which I have worked for almost thirty years. You may recall the front page of the South Bend Tribune, "Abortion clinic may lose license." The cover story reports the Indiana State Department of Health filed a complaint on January 28 to revoke the operating license for the Women's Pavilion. It is now March 10 and the clinic is still open and operating almost five months after the inspection.

Mr. Herbster: Does the Dioceses have an official position on this bill.

Lisa Everett: Yes, well on behalf of the office of Family Life, which is the office in the Dioceses most responsible for this kind of subject matter, yes, we support the bill.

Mr. Catanzarite: Ms. Everett, what is the present status of that legal ramifications of what the state has filed?

Lisa Everett: From what I understand from the article in the Tribune, they are waiting, I assume the acceptance of the satisfactory plan. But the complaint has been filed to actually revoke the license.

Mr. Catanzarite: I have seen the paper; I was just wondering if you knew what the status of it was.

Lisa Everett: No, I do not know.

Mr. Kruszynski: I have a comment on Councilman Catanzarite's question.

Mr. Kruszynski: I believe the hearing on that complaint that is filed is March 26th, if it doesn't get delayed again.

Joyce Dodd, 52199 Torch Court, South Bend, I am a registered nurse working in home care. I would urge you to vote yes on this bill, it just makes sense.

Peter J. Agostino, 21515 Elkton Ct. South Bend, 46628, thank you for allowing us to appear before the Council to address this issue. Why do we have government? Are you equipped to answer that question? The answer is really simple, three words, three ideas, life, liberty and the pursuit of happiness. Those ideas are very, very liberal ideas and somewhat ironic that one of our more conservative members of the Council is putting forth a bill which is in tune, which lines up with the founding principles of this country. Life, Liberty and the pursuit of happiness. I submit to you that there is a reason those rights are in that order because you cannot have freedom without life and when those rights are in conflict, you must choose life. If you sacrifice life for freedom, you will soon find we will live in a society where we no longer respect life or freedom and so it's important to know the order in which those rights are to be respected and for that reason, this bill involves the protection of life of a woman seeking abortion and you are going to hear lots of arguments of whether that impinges on the right of freedom. At the end, you have to make a decision, is life more valuable than freedom? For me it is. I would urge you to take a recess before you vote and to pray so that you have the right conscious to make the right decision. I also urge you to consider the evidence you have heard tonight, we have heard a lot of speeches, but there's some evidence here that very much supports this bill from people that have had experience with abortion. There is lots of other talk from hear say that I would call it that is probably not admissible from my standpoint as a lawyer, but you have some evidence, consider the evidence, not the argument.

Loyd Weldy, 16657 Cleveland Rd. Granger, 46530, I am here to speak in support of this bill. The Health Board indicates to one of their sponsors that they would like to see some changes and then they use in their letter to oppose the bill that there's too many changes in the bill. I don't quite follow that logic.

Claire Furquist, 523 S. St. Joseph, South Bend, one of the central questions raised by Bill No. 69-14 is why the County Council. I remember Mr. Catanzarite at last County Council meeting saying that we have a serious problem on our hands but it's really up to the Health Department to address this problem. The primary answer to this question is that we live in an elective democracy that promotes subsidiary. It is exactly the place of the County Council to put in a regulation that gives women and the local hospitals access to the people responsible for these women when or if they experience complications from abortion I vote for pro life democrats and I assure you that there are a majority of voters in this county who will respect and agree with your decision to pass this this common sense legislation. You have promised to do so and we thank you for putting aside party differences in this matter. I urge you to support Bill No. 69-14.

Mr. Catanzarite: Ms. Furquist, just to clarify from last month's meeting, I believe my statement was more in line with, if in fact there is a problem with his abortion provider as is being purported that evening, then it's the position the State Board of Health should be acting on. That was my reference to the State Board of Health, that is what my comment was more geared toward, I just want to make that clear. Thank you.

Jessica Keating, 510 S. St. Joseph St. Apt. 1, South Bend, first I would like to thank all of the council members, I believe there were eight who indicated they would vote for a bill like this should it come to the Council during the election season. I speak to you tonight in favor of Bill No. 69-14. I also speak to you as someone who would nearly always vote with the democratic party were it not for at least at the state and national level the party's ideological commitment to promoting and sustaining the gross under regulation of abortion facilities. Those who oppose this bill have consistently and stridently dismiss those women who have been harmed in our county with the mantra safe and legal. Ironically sacrificing the very thing they purport to uphold, women's reproductive health. I ask you this evening that we hold all doctors in our community to the same minimum standards of health care for women.

Mary Ann Wilson, 531 S. St. Joseph Street, South Bend, I come just a concerned community member. I thank you for the opportunity to register my support of this bill, I ask you to listen with great patients to all of us who are speaking and to do your work of working to promote the common good.

Minion Jo Ann Stanton, 515 E. Monroe Apt. 614, South Bend, I vote off the ballots to say who is and who isn't. I talked for a year as a sidewalk counselor. Every morning saying "Hello and I love you" to Dr. Klopfer because I do love him and I love every single human being that walks the face of this earth. I don't love what he does but I love him. I asked him one day, "why, why do you not go and help these women when they are hurt? Why do you walk away?" Dr. Klopfer's response to me was something to do money or something to that effect and that he wasn't responsible for anything that was done after he was done. That was his response to me.

Kathleen Black, 51440 Orange Road, South Bend, 46628, I want to expand on what was touched upon earlier in terms of the State Health Boards findings when they raided abortionist Klopfer's facility. In reference to the County's Board of Health's emergency letter, I will quote for the benefit of the audience, "there is generally no support from the medical community for this ordinance nor has there been presented by any factual statistical data stating a need for these measures." I thought these two sentences were atrocious.

Caroline Cole, 510 S. St. Joseph St. Apt. 4, South Bend, 46601, I would like to express my support my support for the patient safety bill. If comparable care facilities are already held to these standards, why shouldn't an abortion clinic be expected to comply with them as well. On a recent candidate survey, seven of the eight of you who responded indicated support for legislation that requires a physician who performs abortions to have admitting privileges at a nearby hospital. Eight of the eight of you who responded indicated that you believed in Indiana abortion facilities should meet the same basic standards as other outpatient surgical centers. I trust that you responded to these surveys honestly and I ask you to honor your word tonight.

Dr. Jim Berns, 610 S. Stewart, Bremen, 46506, with my fellow doctors when we hear about somebody who does not adhere to the standards, he does not worry about sanitary surroundings or adequate training, when I needed to do anesthesia I went away to anesthesia residency where I see no evidence, I looked on the internet and there is no evidence that Dr. Klopfer has had surgery residency or anything similar to that. This doctor has been kicked out of Cook County, he's been kicked out of Allen and also Lake County.

Linda Zimmerman, 5747 N. 350 E. Columbia City, I come from another county because of my long tenure in the pro-life movement. I am pro-life but I have been pro-life and active in pro-life movement for thirty four years. For about thirty two of those years I have been working adamantly to protect women's health because I saw very clearly women were being hurt from abortion. Guttmacher Institute keeps reporting one and a half percent abortions, I asked Guttmacher for documentation, they said they don't know the number that there are many states that do not have adequate reporting regulations. The number of deaths that for certain are directly attributed to abortion is three hundred and forty seven, there are another hundred fifty four women that we came up that were listed as Jane Doe's. This ordinance should be supported by both sides of the abortion issue.

Thea Marie Burns, 1723 Sunnymede, South Bend, I just wanted to say I am for patient safety.

Laura McGuire, 14731 Carrogam Ct. Granger, 46530, I am a board certified and licensed family physician in the state of Indiana. I wish to discuss two points tonight, first, why the patient safety ordinance is a public safety issue and therefore, within the purview of your common council. Number two, I'd like to say why it is a matter of priority within the medical community. There are no obstetricians or gynecologist on our local health department's board. The backup physician is not taking care of complications or Dr. Klopfer in our community despite a state mandate to do so. These women deserve better.

Mr. Herbster: Could you briefly summarize that regulation that you are talking about?

Laura McGuire: With regards to the twenty seven violations that have been noted in October of two thousand fourteen at the Women's Pavilion, I have spoken extensively with Randall Snyder, who is the director of the audit process as well as to Jenny Lemmons, the attorney whose name is on the order that has been issued for further information and investigation of the clinic. Ms. Lemmons, the attorney, verbatim, I will tell you, she told me, Dr. McGuire, if you don't know attorney's, I am one of them and I will tell you, this is going to take a long time, this could in, it can go in litigation and be two years. Like I said, if not now, when?

Faith Kuzma, 12244 Saddle Horn Ct. Granger, 46530, I am here as a retired professor. First is to address the myth is child birth is not as safe as abortion. Abortion related deaths are lower, that claim that abortion deaths are lower than

pregnancy deaths is problematic. Chicago Tribune recently reported four thousand abortion complications were under reported. Four thousand. As somebody else pointed out, we have no mechanism for keeping any kind of tracking of them locally.

John-Paul Fitzmaurice, 51986 Hickory Rd. Granger, 46530, I am going to speak about myth two, that there are far fewer complications from abortion and that legal means safer. Recently a study was conducted using some data that was collected from some Medicaid patients that were in the state of California. The press release for the study was titled, "Major complication rate after abortion is extremely low." Some question this finding. Focusing on low income women, the study looks six weeks out from the time of the abortion, the study found that one thousand and thirty women who suffered from severe cramps or hemorrhaging were classified as experiencing minor complications while a hundred and twenty six of the cases had hospital admission, surgery or a blood transfusion. While the causes for cancer are many, a woman who is considering abortion may want to know the details of these studies that are finding a strong correlation of abortion to breast cancer even among young women.

Ellen Stanley, 59766 Beech Rd., Osceola, 46561, women are meant to be life giving, we are called to bring forth new life and that's very important. There is a third myth that abortion elevates mental suffering. Actually, Joseph D. Agostino concludes that pro abortion activists (inaudible) psychological harm to them if they give birth to an unwanted child, however there is scientific evidence for the opposite. A two thousand four study published in the Medical Science Monitor found sixty five percent of post aborted American women reported symptoms of post traumatic stress disorder, which they attributed to their abortions, slightly over fourteen percent reported everyone of the symptoms were clinical diagnosis of post traumatic stress disorder. Whether we are pro life or pro choice we are concerned about the health of women. I really applaud you, before the election, I looked at the voter guide too. I was very encouraged by your respect for women. Let's keep women life giving. Let's not abandon women.

Joe DeKever, 2112 Linden Ave., Mishawaka, 46544, I am retired, former Mishawaka, Democrat, City Councilman. I encourage you to please vote yes on this legislation and I thank you for the privilege to talking to you.

Dave Niswonger, 52090 Hickory Rd., Granger, 46530, The facility failed to maintain current documentation of current license for a registered nurse personnel record reviewed. This is available to the public on line at the website of the Indiana Professional Licensing Board. The facility failed to ensure that nursing personnel meet annual in service requirements for policy and procedure for four of the four personnel records reviewed. The facility failed to ensure the documentation of two step mantoux testing for the five of the eight personnel records reviewed. This poses a threat to the women who visit the clinic, majority of women seeking abortions are from social economic groups with a higher prevalence of tuberculosis. There is a higher risk of a staff member contracting TB and then becoming a source of infection for other. The failure to monitor this puts both staff and patients at risk. The infection control committee failed to meet at least quarterly.

Mr. Catanzarite: Mr. Niswonger, was there anything on that report about unsterile instruments? I heard that mentioned by a previous speaker. But was there any mention about unsterile instruments? I don't think I saw that but, I read it too, but did you see that?

Dave Niswonger: I did not but perhaps there maybe some more reporting that might need to be done.

Michael Kendzicky, 17485 Farmington Sq. Rd., Granger, several of the staff who assisted in the abortion procedure did not even have documentation or licenses or certification as required for their own job descriptions. It's interesting the records indicate that all the patients received the same doses of medication.

Phil Niswonger, 741 S. 30th Street, South Bend, 46615, recently retired from one of your facilities, Portage Manor as the Environmental Service Manager. If these violations happened at Portage Manor, the state would slam us pretty hard. In the area of sanitation, they did not have hand washing stations in their two surgical rooms. People had to go across the hall to the scrub room. Their service sink, which is for housekeeping was the same sink they used for their surgical procedures, a kind of a double sink usage. The second major category is safety management. They did not have an ongoing evaluation plan in place for management. They didn't have a written fire control plan. They did not have any evidence of inspection by local or state fire control agencies. They failed to ensure the safety management program such as emergency management, disaster preparation and things of that nature. Their emergency lighting was not operating, especially in the surgical rooms. All of these things lead to the conclusion that you have to vote yes.

David Parker, 224 Toscana Blvd., Granger, 46530, I too am an Obstetrician/Gynecologist that practices in the community. When I look at this ordinance, what really strikes me is it's an ordinance about patient safety. This is

about protecting vulnerable women who are in a very difficult situation. We should do everything we can do to protect them.

Jacqueline Gill, 17770 Ashford Hills Ct. Granger, 46530, tonight you have a chance to at least do a part to make sure this is not going to happen in South Bend. Please vote yes.

Judy Hurst, 3343 Topsfield Rd. South Bend, 46614, I want you all to vote for the proposal tonight to make the women in our area safer.

Rick Copehaver, 16122 Woodhaven Ct. Granger, I would ask you what if you could save someone's life? I would tell you this legislation could maybe save someone's life. I would ask that you vote yes.

Pamela Washburn, 504 Victoria Ct. Mishawaka, 46544, I ask you all to vote yes for this measure and hopefully prevent anything further like this happening to our community.

John Furquist, 532 St. Joseph St. South Bend, I am the operations manager for St. Josephs County Right to Life and I have one brief thing to bring up. In the last week and a half, we have received over seven hundred signatures from doctors, medical professionals and members of our community from all sides of the political spectrum within and outside of our organization. Most of these can be found in the binders we have provided for you. I urge you on behalf of myself and the over seven hundred signatures that we have received in the last week and a half to vote in favor of this critical measure to ensure women's health and safety.

Joseph Caro, 22686 New Rd. South Bend, 46614, Vote for patient safety, that is women's safety, either way it's the right thing to do.

Monica Higgenbotham, 15388 Whispering Oak Mishawaka, 46530, I am going to read a legal complaint that was filed against Dr. Klopfer, the patient who filed the complaint went to Dr. Klopfer to terminate a pregnancy. The clinic did a urine pregnancy test on her and came out positive. The patient was then given an ultrasound by Dr. Klopfer. Dr. Klopfer informed the girl he was unable to find a pregnancy in her uterus. The patient informed Dr. Klopfer that she was sure she was pregnant and asked him to check again, at that time, Dr. Klopfer performed a vaginal ultrasound, Dr. Klopfer again told her he found nothing and she should come back in two to three weeks later. Within ten days she started experiencing abdominal pain, neck and upper back pain. She went to the emergency room, she informed them that she believes she was pregnant but the two ultrasounds by Dr. Klopfer had come up negative. She was sent for another ultrasound and the technician immediately found an ectopic pregnancy. As a result of this pregnancy, her fallopian tube had ruptured and she required emergency surgery. The tube was too damaged to repair and had to be removed. Because of the carelessness and negligence of Klopfer the patient was required to undergo emergency surgery. Dr. Klopfer carelessness in his examination caused her to endure unnecessary pain, suffering, shock, embarrassment, humiliation, medical expenses and emergency surgery that could have been avoided, loss of a fallopian tube, mental anguish and other damages and injuries. Women deserve better than this. I am asking yes to vote yes. I want to say, I use the Right to Life survey of candidates to help me determine who I vote for and most all of my friends and people that I know also use it.

Kitty Fulnecky, 15870 Branch Water Ct. Mishawaka, 46545, I believe ordinance 69-14 will strengthen our communities initiatives to improve patient care. Safer care should be everyone's concern. I do not support unnecessary regulation but I respectfully urge all of you to vote yes to this bill. The Fort Wayne community has adopted similar measures, shame on us, a community that boasts superior health care, if you don't pass this safety patient bill.

Bret Robinson, 318 E. Pokegen St. South Bend, I teach at Notre Dame or as my mother likes to say, my son's a doctor but not the kind that helps people. I wanted to report on something that has not been mentioned yet, it was in the fall of twenty fourteen, the state filed some action against four Indiana physicians for violations for abortion record keeping. The Attorney General, Greg Zoeller filed the licensing complaints with Indiana Medical Licensing Board. The most egregious complaint referred to of Dr. Ulrich Klopfer of South Bend who is accused of consistently submitting incomplete, inaccurate and late documentation on abortion procedures he performs. His alleged violations total one thousand eight hundred and thirty three and are based on complaints brought about by the Attorney General's office, by the Indiana Professional Licensing Agency. I wanted to mention too, this might surprise you, but earlier when you were going over the other business of the Council I was actually paying attention and I took some notes and it struck me that Councilman Noland made some very good points about the reasons for ensuring that workers receive a fair wage for construction projects, most notably he argued the cheapest options is not always the best option,

especially when it comes to people. He pointed to the furniture in the room and suggested it was not cheap so why would we disregard the human beings that built the room. I urge you to use the same logic in this case.

Rhonda Richards, 1020 Clover St. South Bend, 46615, I wanted to point out a new paper article in the South Bend Tribune, just the other day. It talked to about the six things you need to look for when you were doing outpatient surgery and what kinds of things you look at. First, do your homework, make sure the surgeon is board certified and staff has experience and are licensed in that practice. Make sure the facility is licensed and accredited. Make sure there is back up for complications. Find out who will do the anesthesia and make sure they are a physician of anesthesia and not just someone who was trained haphazardly. Follow the surgical procedures and directions they give you. Plan for recovery and follow up care. According to what we have heard, the medical facilities have to have governing bodies, they have to have accreditation, they have to have hospital privileges, they have to have peer review, tracking oversight and accountability. Our abortion clinic is run by one person, he is just licensed, he has no accreditation, no privileges and the clinical policies are made up by him and according to some people, they have not been made up at all. This policy is keeping us safe.

Jeff Burks, 52051 Glen Arbor Ct. Granger, 46530, I am a professor at Notre Dame and I would just like to say a few words why we need this local ordinance if there are similar requirements at the state level, particularly the requirement to have a back up physician. We need a local ordinance because in this particular county, we have a problem abortionist. The state law is not working because it does not require the identity of the backup doctor to be known. Please give patients and hospitals what they need to continue these efforts and provide quality care. The past year has shown that nearly having a requirement for a back up physician is not enough. It's far from guaranteed that this abortionist will comply either now or in the future. Given the potential for serious complications after an abortion, we need more transparency in this county to help ensure that women will receive proper emergency care.

Mr. Morton: At this time, we will take another ten minute break.

(Inaudible) – Eight of you have expressed your support, as you can see here for the content of this bill on our candidate surveys. I have to assume you did so because you sincerely believe that this legislation is important and necessary. I can assure you that our ten thousand members and many other people are paying close attention to what you do here tonight. I can also assure you that our members do not stay home on Election Day and they become even more motivated when someone does not fulfill the promises they have made. You impress me as public servants who genuinely care about the people in your community and I have every reason to believe the decision you make here tonight will be the right one.

Due to technical difficulties the minutes are incomplete. As a result, several individuals who spoke in favor of the Patient Protection Ordinance do not have their commentary included in the minutes. One individual who spoke is Mr. Casey Mattox, and attorney, who explained why he believed that the proposed ordinance was constitutionally sound and why his organization would defend the County in the event of litigation. His summary letter is attached to these minutes.

Marcia Tatay, 1402 E. Calvert St. South Bend, first I want to say to the abortion providers, the volunteers and the staff. Also I would like to thank you all for your service to the community. This is a grave matter. I am a well educated mother of one beautiful child and it is because of my daughter I am here today. The claim of the ordinance supporters is that it is intended to address patient safety. The capabilities of a doctor are not measured by their ability to navigate the process to receive admitting privileges. Furthermore, should the one provider in our county not be able to secure these privileges, which is likely because the hospitals do not want to be associated with abortions because of the backlash they would receive. Where do you think a complication would occur should a woman have to go to Kalamazoo or Merrillville in order to receive that medical procedure? She would get that complication on the road or back here where she would go to the emergency room where the provider who performed the procedure will most decidedly not have privileges. Where is the safety for that woman? This ordinance is disrespectful to the women of this county, to the medical community and to the Supreme Court. The decision has been made, medical decisions are to be left up to a woman and her medical provider. The authors of this ordinance couldn't be bothered to inform the Health Department about it before sharing it with the press. Nor could they research credible sources.

James Roush, 801 E. Washington St. South Bend, 46617, Women are made in the image of God. They are not powerless or clueless, they are not desperate animals trying to chew off their own progeny. Women are bestowed by their creator with fully functioning minds and consciousness, men are not here to control or protect women from themselves but to partner with them in their moral agency and let them make up their own minds.

Jessica Birch, 112 Laurell St. South Bend, I am not here to read you a prepared statement that someone else typed up and handed to me so this might not be as tidy as some of the testimony you have heard. What I want to point out today is that many of the claims made here today are simply lies. Indiana law requires that abortion providers report complications; there are much stricter requirements for reporting and for inspections for abortion providers in Indiana. This is not holding them to the same standard, they are already held to a higher standard. Additionally, Indiana abortion law requires parental consent for minors to have an abortion. I also want to point out these claims about plaintiffs and defendants, there are no malpractice suits acted against Dr. Klopfer. I learned from the Indiana Patient Compensation Fund and you all could to because our state provides that information to us freely and easily. If all of these things are happening then I think my question would be, why aren't people actually filing these suits? At this point we are supposed to believe that you have data and that you have facts. We are supposed to believe that nameless testimony from nameless persons, hearsay is more reliable than the Indiana State Department of Health? What I deserve is the right to make my own decision with my medical provider.

Alan Engel, 615 N. Michigan St. South Bend, 46601, As a local physician, I join two members of your Council who are involved intimately in public health care and safety. We are all pro life. Abortion is already adequately regulated by the Federal and State governments. All of my physician colleagues who agree with me have gone home. Please do not question their passion or commitment to this issue. They all have to work in the morning, some at four and five in the morning. They have contacted you with emails, phone calls, letters to the editor, you know how they feel. I have been on the staff at Memorial Hospital for over seventeen years and have never had admitting privileges. I am a radiologist and radiologists don't have admitting privileges, ER physicians don't have admitting privileges. The majority of the staff at St. Joe and Memorial Hospitals do not have admitting privileges. Most dentists who give IV sedation do not have admitting privileges in any hospital. Many doctors have given up those privileges and allow other doctors to take care of their patients at the hospital. All patients who present to the local emergency rooms are treated the same, whether their doctor is in town, whether their doctor is out of town, whether they are from out of town and they don't have a doctor here, they are all treated the same. There are local emergency rooms, the local health care professionals don't care, ask about race, ethnicity, religion, sexual preference, insurance status, none of it. We all just do our jobs. Whether the people have a broken bone, a bad laceration, septic shock, a heart attack, stroke, a complication from a miscarriage or abortion, we all do our own respective jobs and the citizens of our county get cared for twenty four seven. The doctors who spoke previously, should have reported those incidents to the hospital and the state, I don't know why they did not. Why wouldn't they be eager to care for someone to help them escape from a bad physician? As you can see, people received adequate care in our community, regardless of who their doctor is and whether or not if they have admitting privileges or written and filed call coverage statement on file with the county. Both local hospitals have a board certified OB/GYN on staff twenty four seven for available for emergencies. This ordinance is targeting a problem that does not exist in our county, this ordinance unfairly targeted physicians, it has nothing to do with patient safety. Patient safety is already here. The care is here. The ER's are staffed and ready for the next tragedy. More regulation won't improve medical care in our community.

Mr. Catanzarite: Dr. Engel, have you ever been sued as a physician?

Dr. Engel: I have not.

Mr. Catanzarite: Have any of your colleagues been sued in your practice?

Dr. Engel: Doctor's get sued. It's a part of health care people. People are upset and they get sued.

Mr. Catanzarite: So you are saying Yes?

Dr. Engle: Yes.

Mr. Catanzarite: Physicians get sued.

Dr. Engel: Yes, Physicians get sued. I am on the credentials committee at Memorial Hospital and yes. Every month, doctors get sued.

Mr. Catanzarite: Because someone filed a law suit against a physician, do they always prevail?

Dr. Engel: No, in fact, usually they do not prevail, usually it doesn't reach trial and usually, if it does reach trial, the doctor (inaudible).

Mr. Catanzarite: I am going to ask you a personal, I know your dad is a retired physician, do you know if he ever got sued?

Dr. Engel: Yes and he prevailed and he went to trial, there were, everyone who's name was on the chart was and the hospital was sued. All the physicians won the lawsuit.

Mr. Catanzarite: Was it that one occasion or more than one occasion?

Dr. Engel: One occasion.

Mr. Catanzarite: I'd have to ask an OB/GYN physician this but maybe I'll have to ask Dr. Lyons this question later.

Dr. Engel: OB/GYN is high risk; they get sued more than a lot of....

Mr. Catanzarite: That's kind of what I predict. Over a thirty year career would it be unreasonable to expect that an OB/GYN or let's say an abortionist would have seven law suits brought against him in the state of Indiana? I am asking your position.

Dr. Engel: I see it all. I think any surgical specialist is going, it's not out of the ordinary for people to have two or three law suits in any two to four year period.

Mr. Catanzarite: So on the credentialing committee do you guys hear complaints about physicians?

Dr. Engel: Not from the public, no. We see lawsuits and asked details about those lawsuits.

Mr. Catanzarite: Do you hear complaints about physicians from other physicians or hospital staff?

Dr. Engel: Usually it goes through other channels and it doesn't go through the credentials committee.

Mr. Catanzarite: So you are saying this information you just passed out to us is, if a physician in the ER saw somebody with an abortion complication or a complication from oral surgery and they wanted to report the physician....

Dr. Engel: Or if a patient had a problem, they Google that call that number and the Attorney General in the State of Indiana gets involved.

Mr. Catanzarite: Thank you.

Mr. O'Brien: I guess an observation, I asked Dr. Lyons in the intermission whether he reported or not, he indicated that he did in fact report Dr. Klopfer to the State Board.

Dr. Engel: Good, I am glad he did because that's how we police ourselves. I'm happy to hear that.

Mr. O'Brien: Me too.

Julie Wells, 1325 E. Monroe St. South Bend, 46615, good legislation is based on scientific fact. This legislation is not. It is creating a problem where one does not exist. This ordinance is contrary to the American Medical Association. They recommend against admitting privileges for abortion practitioners because it can cause barriers to women obtaining care. The women in Michiana are trusting you not to base your decision on the stories told by supporters of this ordinance tonight. We are trusting you to base your decision on medical professionals and associations who base their recommendations on scientific fact and are not swayed by their personal, religious beliefs, putting women's health at risk.

Kay Westhues, 216 W. Madison St. South Bend, 46601, I want to speak for women. If this passes, this may mean the clinic in South Bend will likely close which means women who will not get access to a safe abortion. It's important to understand it's going to be limiting the access to abortion which is against what we voted for in this county and what the majority of the people believe is our right that women should have in our country.

Debbie Ray, 3903 Irish Hills Dr. South Bend, 46614, As a member of a generation of women who had to travel to New York to obtain a safe abortion, I can testify that this bill will cause more grief for women than anyone here will

admit. This bill is the opposite of caring about women's health. As someone who remembers back alley abortions, I ask you to vote no on 69-14.

Andi Trowbridge, 4240 Hickory Rd. 1D Mishawaka, 46545, I am here to urge you to please vote no on 69-14. This measure is a hyped up redundancy of state laws already in place that only serves to put a further burden on surgical providers.

Casey Farnsworth, 1735 Titan Drive South Bend, 46613, I say no to this ordinance. This is a transparent attempt to restrict access to the clinic. It only forces women to obtain unsafe procedures. If you truly cared about women's health you would be focusing less on restricting it and more maybe on getting insurance for women to get an abortion because if they can't afford an abortion they can't afford a pregnancy or a child. Please vote no.

Tom Felger, 51181 Kings Crossing, Granger, I have retired of about forty years of family medicine that included OB and I recently did serve as your County Health Officer. I am here tonight to speak against this bill. I have discussed it with several of you. To be honest, I really thought what the Board of Health released yesterday, which I did nothing to do with, but I thought that was right on, there is data in there that I think is important. I have been totally shocked tonight at some of what I have heard for three and a half hours. People are saying there's a ten percent complication rate, there is not. You heard a lot of allegations in cases, did anybody tell you, are those all St. Joseph County? That was the implications of one of the speakers. Frankly, if you've been doing obstetrics for thirty years, having six cases is not having very many. I too have served on credentials committee and when you see that in an obstetrician or a neurosurgeons back ground it does not put up a red flag. Maybe in family medicine it would. Another thing I am troubled by is, I have heard this said many times tonight, this is not anti abortion. Well, it certainly is, we just had a councilman ask a national attorney what happens if we put barriers up, is that unconstitutional? That sounds awfully anti abortion. I have also heard several people comment; all we want is legal, safe abortion for women. I'm sorry, these same individuals are clearly identified as pro life and anti abortion and in another form would not make that statement yet here we are tonight, under the cover of patient safety saying that's what they want. The last thing I'll say, I think I just saw you guys getting blackmailed by Right to Life of St. Joseph County. Everybody knows what Right to Life stands for and what their end goal is, but I do believe I heard you threatened by them.

Mr. Herbster: I have a question, but, for reasons I've stated in previous public meetings, I have no respect for your opinion. I place no stock in it, I encourage my colleagues to place not stock in it and that goes for ever member of the Board of Health as well.

Dr. Felger: Well, I am sorry to hear that but, that's your opinion.

Mr. Catanzarite: Dr. Felger, I disagree with my colleagues opinion of your professionalism, I respect what you did for us when you were our County Health Officer. I have a question for you, as a County Health Officer, you keep statistics of out of wedlock child birth. Dr. Plaine, in the old days, used to give us a book. Have out of wedlock childbirths decreased since 1960?

Dr. Felger: Probably since 1960 but I am getting a little beyond what I am comfortable saying for certain. We still have a significant number, frankly.

Mr. Catanzarite: We are talking thousands in this county, correct?

Dr. Felger: Well, we are probably talking about a thousand, we have about thirty three, thirty four hundred deliveries a year and about a third of those are unwed.

Pat Schafer, 215 E. Jennings Ave. South Bend, 46614, I agree with the health department report that came out that this bill is not necessary and urge you to vote no on this bill tonight.

Rachel McCahill, 749 S. 34th St. South Bend, today I am speaking on behalf of the Feminist Student Union at Indianan University, South Bend. As a whole, we believe this bill is unnecessary and a redundant product of the state law already in place. According to Guttmacher Institute in twenty eleven, there were twelve abortion providers in Indiana, ten of those being clinics. I understand this number has probably changed but in the same year, eight nine percent of United States counties and ninety three percent of Indiana counties had no abortion clinic what so ever. Even today, this makes St. Joseph County unique because it's one of the few counties where women are able to go for this kind of procedure. If this bill is passed and physicians are required to have admitting privileges, the number of abortion providers in St. Joseph County will completely diminish and women seeking abortions will be forced to travel elsewhere. This bill will not reduce abortions. The woman of this county will journey where they feel they will be

taken care of. It will only drive business out of St. Joseph County. My peers and I have pride in St. Joseph County and we feel safe here. A patient doesn't want to travel somewhere other than their home to have such an overwhelming medical procedure performed. Procedures today have been safe thus far and having this bill in place not only attacks our rights on informed decisions but causes more of disturbance for the physicians practicing than the actual patients. I understand there are probably outliers of this but any procedure is going to have deviations. If we want to be serious about the welfare of patients, we need to ensure our patients continue to have access to the providers they are in need of. Even the St. Joseph County Board of Health said there has not been any factual statistical data stating a need for these measures. Over regulating the procedures, physicians and providers does not meet the needs the patients in the surrounding areas. The St. Joseph County Board of Health also stated that in order for societal issues to receive stature and public policy, this must generate high merit, evidence of need and broad base community support, this ordinance does not meet any of those standards. I assure you, not only does this ordinance not meet those standards and more importantly does not meet the request of the patients and furthermore, the women it's intended for.

Shana James, 2211 Oakwood Park Drive, I would like to say this bill is not in women's best interest.

Ambrosia Lafluer, 1006 S. 30th St. South Bend, I am standing in front of you to represent a large proportion of young, female women that could not be here because they work late, they do not have time to sit in a meeting for almost six hours now and cannot afford to miss that time because they cannot afford it in their lives. They cannot afford to lose the money and the hours. This patient safety bill completely negates the idea of safety. A full comprehensive healthcare bill for all, including women would do this. I just read from an article that was authored by a Notre Dame student and published in the Observer. Thank you.

Tony Flora, 202 E. Angela South Bend, 46617, Unless all of us has equal rights, none of us has rights. My question to the petitioners tonight is, why didn't they petition the general assembly? There is no medical evidence showing that abortion is an extremely dangerous procedure. This is about a political agenda being marched out. We have seen it state by state. This is what I am concerned about, in real life there are practical consequences. Who is this going to affect if that abortion clinic closes in St. Joseph County? Forty percent of the women who obtain abortions report incomes only at the federal poverty level.

Barbara Carmichael, 52144 Farmington Square Rd. Granger, 46530, please don't turn the clock back on women's health and safety, let's move forward on this issue, ensuring abortions never return to the back alley and remain safe, legal and rare.

Richard Williams, 724 W. Washington St. South Bend, I would say, based on anything you have heard tonight you should pass a resolution that says under no circumstances what so ever is this doctor allowed to provide backup care but it would be very hard to do that because there is no evidence on the record that he isn't anywhere near a bad a doctor as people claim he is. I urge you to vote for women's safety and health and that's why I urge you to vote against 69-14.

Mahammad Shabazz, 1120 W. Washington Blvd. South Bend, I actually had something to say until I heard Councilman Herbster disrespect toward the doctor. This is my first time coming down here, this will be my very last time coming down here. If he can't respect the doctor and the doctors opinion then we shouldn't respect any law any bill that he tries to author and that's that.

Kathy Liggett, 1113 Climbing Rose Lane Mishawaka, I ask tonight that you respect women and vote no.

Robin Forsythe, 323 High Street Elkhart, 46515, It seems to me there are the, the County Board of Health and the State Board of health have regulations and oversights in place to protect the health of women seeking abortion. I would encourage those institutions to fulfill their duties and not pass additional legislation that will restrict women's access to abortion in St. Joseph County.

Matt Zakrowski, 330 W. Colfax Ave. Apt. 106, South Bend, this feel like a pretty clear target of poor citizens of this county and I don't think that's acceptable.

E. Jane Doering, 53170 Osage Dr, I ask you to vote no to ordinance 69-14. Serious leaders of this community should vote no on ordinance 69-14 so we can have your support on the real need of the constituents of St. Joseph County such as, better sex education or reducing the scandalous infinite mortality rate in Indiana.

David James, 702 S. 24th St. South Bend, 46615, I am a pro choice feminist, that is to say, a believer that women are people and are capable of making their own decisions including about their bodies. I vote, I have voted in ever election since nineteen sixty four. I don't just vote, I work the election. I have a memory and so does everyone in this room.

Jennifer Peck, 1120 W. Jefferson Blvd. South Bend, 46601, I am here tonight to ask you to vote no on this ordinance. I heard the same thing over and over and over, there were pieces of papers handed out to someone to read, not sure if they knew the story, I am calling it a story because if that situation happen to me, I would be here and I would tell you about it. I ask that you vote no on this and I also want to thank each of you for listening and being respectful to the people that got up here. You may not have agreed with them but you listened, you nodded, you respected them and those of you that could not, that's very sad.

B.L. Morley, 732 W. Indiana Ave. South Bend, 46613, I work at the Women's Pavilion Clinic and I am speaking on behalf of myself and the other patient educators. I speak for us in the administrative portion of our clinic. George has an ongoing investigation; I am not here to speak for him. Before a patient undergoes a procedure, they fill out paper work which includes two pages outlining the common and uncommon risks that maybe associated, a consent for an ultrasound and ultrasound options according to the state of Indiana, a complete medical history we require of them and we give them a HIPAA compliance form to sign with a witness. We walk the patient through what they will experience during the procedure and what they may experience afterwards. What often patients experience afterwards what will feel like a heavy period so they will have bleeding, cramping and some clotting usually lasting from seven to ten days, sometimes this makes a patient nervous, if they go home and experience this they will call us and say I am bleeding or I am bleeding for eleven days, is that normal? We tell them yes or come in. Every patient has a two week follow up. On top of that, we go through each patient a packet that they take home, that includes information about our twenty four hour answering service, which has forwarding line to the doctor to himself and if there is an issue that the doctor feels needs to go to the emergency he contacts the backup doctor and that is what happens. I heard that there are not structures in place and just outlined them. There are structures in line to do this. Furthermore, what this bill does has nothing to do with that structure therefore has nothing to do with this admitting privileges problem. This is not for patient safety, what this does is create an avenue for people to have access to that name who want to harass this doctor and therefore, the high chance is we are going to lose that doctor and the clinic will close. Why wouldn't women go back to a clinic for complications and go to an emergency room instead? I work in sociology, I research things like this all the time and I can say its a few things. Society tells you if you have had an abortion it's the worst thing you could ever do. There are protestors outside of our clinic all the time and make it very scary to come back, why would you.

Mr. Catanzarite: You do have discharge instructions you do give your patients?

B.L. Morley: Yes, we give every patient discharge instructions.

Mr. Catanzarite: Can you elaborate a little bit about the twenty four hour seven access to the physician? A back up doctor, with the instructions, via the answering service?

B.L. Morley: Yes. Yes. This happens fairly commonly, someone will call and they will leave a message with our answering service and the doctor will get that message faxed in to us every morning we take a look at it and when the doctor comes in, he's like, find the chart for this patient so I can write down I spoke to her over the phone, she is coming in this day or I told her to do this. It's common, complications happen or patients get nervous about what is happening so we speak to them and make sure they are well.

Mr. Catanzarite: Have you ever been in the procedure room when someone's received an abortion?

B.L. Morley: Yes.

Mr. Catanzarite: In the discharge instructions, are patients told to go to the emergency room for complications and not tell them they had an abortion, do you guys instruct them of that?

B.L. Morley: We do not instruct them to not go to the emergency room, in fact, we have very specific criteria for if they should call us and if their problems are more persistent that we tell them to go to the emergency room and tell the emergency room that they have had an abortion. And I know this because I have gone through this pamphlet before, this is what says and this is what we tell them. Why would we tell them otherwise?

Mr. Morton: It's been stated tonight that you're telling patients to lie and to say that they did not have an abortion; you are saying you do not do that.

B.L. Morley: Absolutely not, that would be detrimental to their health. If our clinic did that, I would not work there.

Mr. O'Brien: So the instructions, the post procedure instructions, did they include the identity of the backup doctor.

B.L. Morley: No.

Mr. O'Brien: So does the patient ever learn the identity of the backup doctor?

B.L. Morley: They do if they need to see this person.

Mr. O'Brien: How do they who to call if they don't have that.

B.L. Morley: They would call our doctor who would send them to the backup doctor. I think that follow reason.

Mr. Catanzarite: So the person who has an abortion has a complication, they call the, this is afterhours now, on the weekend, they call the answering service, what's going to happen afterhours on a weekend, is the service going to forward that on to the doctor over the weekend, afterhours?

B.L. Morley: Yes, he has a cell phone that is always on. He answers calls in the middle of the night. We have seen minor complications and we have dealt with them and this is how, this is the structural thing in place to do that.

Mr. Catanzarite: Can I ask how long have you worked there?

B.L. Morley: I have worked there going on four years.

Mr. Catanzarite: Do you know if any of the patients of your clinic have been hospitalized for abortion complications in the four years you have worked there.

B.L. Morley: Do I know of patients who have been hospitalized?

Mr. Catanzarite: With critical injuries like sepsis, perforation, surgical tears, things that...

B.L. Morley: No, nothing a serious complication like that, not to my knowledge, like I said, I am not the doctor, but to my knowledge and I am there every procedure day, I work pretty closely with each and every patient. That is not something I have seen in the the time I have worked there.

Mr. Catanzarite: Thank you.

Carrie Martz, 55815 Wild Game Rd. Osceola, 46561, I am here to ask you all to vote no on this bill. I am an EMT working on my paramedic's science degree. In an EMS we are taught about the seriousness and criminality of abandonment, there was a doctor earlier claiming that George has abandoned his patients and none of them followed up with, stating that they reported him for that, I don't understand why doctors wouldn't report someone they believed abandoned their patients that is negligence on their part if they haven't reported. I would ask those doctors if any of them, specifically the OB/GYN's if any of them perform abortions and if they don't, more so, would any of them be willing to serve as the backup doctor and furthermore, as someone with a uterus, Mr. Herbster, I trust the Board of Health with decisions over my reproductive health more than I trust you and I would appreciate it if you would heed their advice.

Noel Spring, 732 W. Indiana Ave. South Bend, 46613, I think it's become pretty clear at this point in the night that this bill is not about safety, it's about abortion. I am here to remind you all that abortion is safe. According to the CDC, the latest available statistics, from two thousand three to two thousand nine, the abortion mortality rate was point six seven out of one hundred thousand. In the year two thousand nine, in the United States, eight women died from abortion related complications. If we are talking about safety concerns regarding women, I think we should talk about maternal mortality. The maternal mortality rate in the United States is eight point eight out of a hundred thousand, significantly higher than abortion related deaths. From two thousand four to two thousand five, sixty eight thousand women died from child birth in the U.S. If we continue to pass legislation that places barriers between women and access to abortion, their unplanned pregnancies are more dangerous than the abortion that they were

seeking out. As you have heard tonight, this bill does not help women, it hurts women because it's an attempt to place more barriers between them and their legal supreme court given access to safe and legal abortion. I have spoken to you before and I would like to remind you of something I have said at the beginning of this bill, eight out nine of you are men, you will never experience pregnancy, you will never experience what it is like to be in that position to make a choice regarding what you are going to do with that pregnancy and I would also like to remind you, none of you are medical doctors and in my opinion, this Council has no right to dictate what I chose to do with my body.

Ryan Mullet, 1846 E. Donald St. South Bend, 46613, First of all, thank you for your service and for listening tonight to everyone. I do not support placing more barriers and undue burdens between women and their legal to access abortion. I agree with the Board of Health on this issue and I hope that you all on the Council will as well.

Sarah Knowlton, 111 Clark Street, Walkerton, 46574, I am a student at IUSB and I am also clinic defense volunteer at the Women's Pavilion in South Bend and as a woman of St. Joseph County who's had an abortion under Dr. Klopfer's care, I can safely say that this ordinance is unnecessary and harmful to women in our area. If you say yes to this you are endangering the women of this county, you are handing them the coat hanger and you are handing them the bottle of pills or the alcohol to end the pregnancy at home on their own. Please say no to Ordinance 69-14 to keep abortion clinics in South Bend and in St. Joseph County.

Karen Nemes, 3941, Lincolnway E. Mishawaka, 46544, I am here tonight to speak out against Bill No. 69-14 and urge you to consider abortion and abortion access to be basically an issue of a safe, legal medical procedure and one a decision that should be made between a woman and her doctor. I believe this bill is intended to restrict access to abortion services in St. Joseph County. This is pretty clear to me based on the number of amendments and then stripped amendments and language that's been juggled around and opposition from other physicians and the back and forth on this bill before it even came here tonight. I just doesn't make sense to me, I think that if this were a straight forward patient safety concern, there would be no need for all of this external activity. I am a college educated professional, I am a mother of two, I have also mentored several young people over the years and I have obtained a safe and legal abortion at the Women's Pavilion as was my right, I made an informed choice based on facts and discussions that I had with my medical providers. In my personal circumstances, I did not suffer depression, PTSD, breast cancer or tuberculosis, which are some of the doom and gloom prognostications of some of the earlier speakers tonight. I remain healthy, sane and here to speak to you.

Patrick Abiney, 732 W. Indiana Ave. South Bend, 46613, I am a South Bend resident and support a woman's right to an abortion and I do not support any barriers. I urge you to vote no on this bill.

Lacey Miltenberger, 1219 E. Dayton St. South Bend, 46613, as a woman with a uterus, I am against any legislation that imposes that barriers between myself and your supreme court given access to abortion, so as a female voter, I am asking you to please vote not to Bill No. 69-14 and allow all women freedom of reproductive rights.

Rhonda Redman, 518 N. Scott St. South Bend, 46616, I'd like to point out the obvious, first of all the opposition has said that, essentially they just want our abortion doctor to have privileges of the hospital and essentially you just really have to be a good, competent doctor to get these privileges and yet they then turn around and portray him as not only incompetent but negligent. I have heard numerous times that we're not actually targeting this one doctor. In reality, he's the only doctor that we have. Who else are we targeting? I would like to go on record and say I am absolutely appalled by the behavior of Mr. Herbster and the disrespect shown to some of the people here.

Jessica Hendrick-Fiechther, 52785 Marks St. South Bend, 46637, In November, I obtained an abortion from the Merrillville Clinic. Thankfully I had the means to travel to that location but as it stood, the weather that day nearly prevented me from making it to the appointment on time. They only provide abortions one day a week there and in the case of abortion, as you know, every day matters, the longer that you wait, the more barriers are in place, the more development happens. We are one of the largest cities in Indiana and as it stands now, it's hard enough to obtain an abortion here in town. Putting more barriers in place is going to created more of a problem than is already. I am a mother of a special needs child, if I was unable to make it safely to Merrillville what would happen to that child? Are the rights of the unborn more important than the rights of the children that are already alive? I am urging you to vote no.

Kathleen Neal, 1329 E. Washington, South Bend, 46617, A couple of you have been here long enough to remember me from some issues before. When we left the rural parts of the county to move into South Bend eight years ago, our century old home needed a lot of work. As we set to, one room at a time, pulled up the wall to wall carpeting in one of the bedrooms and found a pamphlet for secret, hidden abortion clinic, an appointment date from before nineteen seventy three and password and contact information. I saved it. It made me sad, not because of the choice that this

woman had the strength to make for herself, but because of the fear, the isolation and the danger with which she had to face that choice. This patient safety bill is about anything but. It is about sending abortion back to the back ally's, literally sweeping it back under the rug. I urge you to vote no on this bill and act for patient safety. Secondly, I find the comments by some of the public and some of the members of your esteemed body about our Board of Health and our former county Health Officer disgraceful. We have a board of health in this county that is the envy of many counties across this state. They work tirelessly every day to ensure the safety and good health of the citizens of this county and find their disparagement absolutely disgraceful.

Mark Streeter, 20608 Johnson Rd. South Bend, 46614, I attend IU South Bend, I have lived in South Bend all my life and in the undergraduate research that I conduct in my classes now, I have been taught to focus on the credibility of the authors of the sources I am using. With that in mind, I would ask the Council to take heed of the recommendation by the St. Joseph County Health Department, a group of licensed health professionals with degrees and credentials.

Pam Claeys, 1106 Bellevue, South Bend, 46615, I would like to express my continued extreme disagreement with Ordinance 69-14, the alleged patient safety ordinance in its original and or amended forms and ask each of you to vote against this ordinance in its original and or amended forms. The ordinance was amended by its original author Mr. Herbster in an attempt to mollify the Council into thinking there was a big change, instead, there was no change to the intent of the ordinance. The real intent had nothing to do with patient safety but rather, to promote the pro life agenda of Mr. Herbster. Taken directly from his website, "pro life, I am strongly pro life and will seek to further a culture of life on the County Council wherever possible." I need to tell you the St. Joseph County Council is not the venue to promote one's personal agenda. As I have written and spoken to you previously, the St. Joseph County Council was elected to govern the county's business. This ordinance, as I have said before, has no relevance to county business. County Council members have fiduciary responsibilities to spend tax dollars wisely, perform your powers of office justly, efficiently and equitably. Genuine need already exists in providing patient basic, county services. Several critical programs of the Health Department, true patient safety related programs were eliminated due to budgetary constraints. Please, do not consider spending any more precious tax payer dollars on this ordinance. It is a total waste of tax payer's time and money.

Madison Hofferth, 125 E. Pokagon South Bend, 46617, the majority of you are men, can you imagine having to make this decision for yourself? The answer is no, you can't. I am the one who would be making these kinds of decisions on whether or not I would want to keep my baby. If that ever were to happen, I would like to have a choice.

Nicole Noland, 2615 Spinn Lane, Mishawaka, 46545, I am not the one in three women who has had an abortion but I know women that have. This is why I am supporting St. Joseph County Board of Health's decision to reject this ordinance. It's poorly researched, it's an example of single issue politics and our time and tax payer money would be better well spent on real issues that South Bend is facing. Our school system's sex education program is horrifying and our common goal here should be education, safety and prevention, not restriction.

Dan Kane, 1106 Bellview Ave. South Bend, 46615, I would like to share a letter from a physician that was published in the South Bend Tribune, it's from Dr. George Friend: "As a surgeon in training in the late sixties and early seventies on an almost nightly basis, we would be called to the Emergency Department to help care for an unfortunate young lady who is septic from a back alley abortion. These abortions were done without sterile techniques, with crude instruments and with terrible complications including uterine perforations with bowel perforations, etc. Ordinance 69-14 is a poorly veiled attempt to curtail abortion availability in our county, trying to make abortions less available will not eliminate abortions; it will only make them less safe again. I hope we never go back to those awful times. Abortion is legal and the safety record for legal abortions both locally and nationally since Roe versus Wade is outstanding. I know that many oppose the legality of abortion, but this is not the avenue to vent personal convictions. Put effort into sex contraceptive education, planned parenting, teen education, drug and alcohol issues that all beg for solutions and resources. No amount of posturing will mask what our elected St. Joseph County officials are trying to do of all people, they should not be trying to bend the law, I urge the feat of Ordinance 69-14 on Tuesday. Dr. George Friend." I also would like to add my voice to vote no to this ordinance. I think that one of the things I was heartened by was the letter that came out from the Board of Health as a professional and well thought out piece of information to be able to base your decision on versus the amateur way that this ordinance was proposed. I think you should stay with the professionals and the very good advice you have gotten from the Board of Health and vote no on this ordinance.

Kim Hoffman, 916 Emerson Ave. South Bend, 46615, I think as Mr. Kane just said, we should all be in agreement that Roe versus Wade, as far as we know is still in effect. This is a legal issue and a medical issue. The medical issue, if you look at the facts, the Pavilion has functioned for thirty years without a single serious case of injury or death. That really stands in the face of this whole argument that's coming before this issue. I think if you look at the facts and the

history of the organization you will find that it's valuable and the doctors involved are valuable and you can't argue against the legal issue and medical facts.

Mr. Morton: Is there anyone else who would like to speak in opposition to Bill No. 69-14? Seeing none, the petitioner has the opportunity to rebut.

Mr. Herberster: First of all, regarding the pro life issue, I have never shied away from the fact that I am pro life and I have said from the very beginning that this is a pro life issue because it involves women's lives. It's also a pro life issue because it raises awareness that there are serious complications with abortions and it raises awareness for the need for opportunities to inform women about their options if they abortion complications. So I think it's pro life, I am unashamedly pro life, I do realize though as an attorney that as long as Roe versus Wade is on the books there is a right to an abortion but going to another buzz word, restriction. There is kind of a gotcha statement here that just because I said the word restriction that is somehow telling, I am Casey can speak to Planned Parenthood versus Casey, it's very clear from our abortion (inaudible) reasonable, state and local government have a compelling public interest in reasonable restrictions on abortion including for health and safety, so a health restriction is a reasonable restriction and the point I was making was that, our case law, Roe versus Wade and all of the abortion case laws since has clearly stated that there is a rule for reasonable restrictions, reasonable regulations to ensure public safety regarding abortion, so there is really no gotcha there. As far as targeting, we may have only one abortion provider in this county but if there is that kind of a demand for abortion, a national group like Planned Parenthood or some other abortion provider who does not have these kinds of issues could take his place but I have no reason to believe that having a, my understanding is the local abortion provider does have designated physicians so I don't understand how this is necessarily targeting, how it would necessarily shut down any clinic. Even if it does necessarily, that our local clinic would be shut down, that raises serious questions about the quality of care at this clinic of this very minimal of regulation would cause that. As far as the information we have had presented to us, its real complaints from real people. To say that because somebody wants to remind us of our election commitments and promises is blackmail, I find that a very extreme statement, we as elected officials, people who campaign for office talked to our voters and we are expected to honest about what we believe and what we would do in office and reminding us of that, to call that blackmail is beyond the pale. As far as disrespect, I take that very seriously, in prior meetings, I have made it very clear that I felt like my views, my intentions and this bill itself were misrepresented and I have a real problem when people who want to have a special respect in the community based on their medical credentials offer bogus statistics, I think that needs to be drawn attention to and it needs to have attention drawn to it firmly so I respectfully disagree with those that is disrespect, I know folks have been very candid about their views about me and about this bill in general, I figure they would appreciate my candor in return. I think this is a reasonable deal, it spirit of compromise it's been amended to be even more reasonable. I encourage my colleagues to support it.

Mr. Morton: I will ask before we go any further, remind everyone here tonight that no matter how this vote comes out, please refrain from any outburst, clapping, celebration or shows of disgust or anything like that, out of respect for everyone here this evening. Not only that, after we vote on this bill, we still have a couple of different items to address before we adjourn so no matter how it comes out, please, exit the room quietly. Thank you very much.

Mr. Herbster made the motion to amend Bill No. 69-14 according to the recent amendment that was circulated on March 3rd, the one that does not include ambulatory/outpatient/surgical centers but does add a non reverting fund and allows for physician designee and was seconded by Mr. O'Brien. The motion passed by a voice vote 9-0 to wit.

Mr. O'Brien: I'd like to echo some of Mr. Herbsters sentiments, I am also proudly pro life and I would suggest, that the questionnaires of at least seven or eight of us have indicated ostensibly, it appears that the overwhelming majority of those on the Council are. I oppose abortion, aneside euthanasia and capital punishment, I am pro life, which is a separate issue, I think the issue before us is with regard to the admitting privileges or the backup doctor, as Mr. Agostino pointed out, a simple matter, I think it's one that's rather innocuous, the ordinance, as amended now that we are going to vote on will require that either that the abortion provider have admitting privileges or that his backup qualified doctor have admitting privileges and if it's a qualified backup doctor then the folks who need to know who the backup doctor is, like the patients, the other folks in the health care community will be able to know that and will be able to know that without having to call and leave a message on an answering machine and get a call back they will know right away. There has been some suggestion that perhaps this is unnecessary, that does not seem to have been the case in Philadelphia, that doesn't seem to have been the case in Fort Wayne as Commissioners Peters from Fort Wayne pointed out today. Given the medical complications from abortions, as we have heard today from local OB/GYN's not from the broad medical community that might include ophthalmologist and podiatrist but the OB/GYN's that spoke, pointed out the actual medical complications that this could be a life or death situation. It seems to me there is no question that this is prudent to support safety and transparency and I would also specifically

like to thank my colleague Mr. Herbster for his Herculean efforts over the last couple of months and shepherding this matter forward, I am proud to be on the Council with him.

Ms. Hess: I wasn't originally going to discuss this but, I am the one person on the Council who did not respond to the Right to Life survey during the election season, however, I did not see that as any kind of a pledge or commitment in of which questions I really didn't know a lot about when it came to admitting privileges or the surgical centers so I didn't answer, I couldn't answer, it was a very strict yes or no, this or that, so I don't see that as a promise or a pledge but just a response to an election survey. When the proposed patient safety bill showed up in our inboxes right after the election this past November, I immediately suspected that it has less to do with patient safety and more to do with similar trap laws popping up around the County. TRAP laws - targeted regulation of abortion providers include laws that limit the provision of care only to physician, force practices to convert needlessly into mini hospitals at great expense, require abortion providers to get admitting privileges and require facilities to have a transfer agreement with the local hospital then not requiring hospitals to grant those kinds of privileges. As I have gone through this process, I am even more convinced now that this is the case. We have heard from constituents who believe strongly in both sides of this issue because this is an issue that has divided communities for over forty years at the detriment of other things getting done and other things causing harm such as poverty to the people in our communities. Just yesterday the County Board of Health did share their letter in opposition of the proposed ordinance and specifically did say that the focus of the ordinance appears to addressing the societal issue. In order for societal issues to receive stature and public policy, they must generate high merit, evidence of need and broad base community support and I think there was one comment made that there really isn't that much need in the community and that was made by the pro life side. In addition to their comments, Board of Health comments, it is notable that the American Medical Association and the American College of Obstetricians and Gynecologists have stated the laws requiring admitting privileges are medically unnecessary and do nothing to improve a woman's health and safety and actually pose a risk to a women's health by reducing timely access to safe and legal abortion. As it stands now, women can obtain a legal abortion at a licensed and regulated facility performed by a licensed and regulated medical doctor. I have thirty six pages of Indiana code that regulate regulate abortion clinics in the state of Indiana. If this safe and legal option is not there, the clinical setting for many, there will be a return to a true back alley abortionists and horrifically botched self abortion attempts, further, if there is such concern about women's health, I would question why certain groups insist on infringing on the privacy of women by harassing each patient that enters and exits the clinic for a legal, medical procedure, rather than focusing on restricting access to health care and easily accessible reproductive, we need to work to ensure women have access to a full range of affordable and easily excessive reproductive health care, we should also be encouraging comprehensive sex education for teens and parents to reduce the number of unintended pregnancies. It is for these reasons I will vote no on this ordinance.

Mr. Kruszynski: President Morton, fellow Councilmen and concerned St. Joseph County Residents: I am first very appreciative of all the information I have been provided to both pro and con to this proposed Ordinance 69-14. After four months of meeting with, talking to, hearing from and receiving intense research from not only the medical community but from a vast majority of the medical professionals in this field, all have stated that this ordinance is unnecessary. I agree. I am supportive of regulations regarding admitting privileges at the state level, however, this is unnecessary and over reach and redundant. I have yet seen consistent, factual data regarding patient safety. I have strong feelings that admitting privileges and issues related there too, are better addressed by the state and federal courts and government. When the survey was put up, I didn't see any of our state officials on there. The last time I checked they ran for election too. My question is, why aren't you lobbying down at the State House where the laws are regulated? I will be voting no on this ordinance.

Mr. Noland: First and foremost, I appreciate everyone being here. Discussion, debate and even disagreement are the basis of any democracy and the only way for it to succeed and thrive is through your active participation, so thank you, both sides. I am going to have to disagree with Mr. Herbster on his assessment of what is respectful what's not. I don't think that behavior was and I apologize to Dr. Felger on behalf of the Council, I don't like to see that animosity in any direction, especially from this side directed out towards the public. I do hope everyone here tonight remembers what I am about to say because at the end of the vote tonight, several of you are not going to be happy with the results, whichever way that goes. The things that unite us in this community are far outweigh the things that divide us so let's try to keep that in mind. I do not believe that this bill should be approved by this body. This ordinance creates a dangerous precedent for the County Council to micromanage community medical practices. This is clearly not our job nor our area of expertise. These facilities are already regulated and inspected by the State Department of Health along with complaint inspections as needed. The vast majority of medical professionals in my conversations in addition to the information over the last several months are that chose to weigh in on this bill feel it's not necessary. The American Medical Association and the America College of Obstetrics and Gynecologist and the St. Joseph County Health Department agree. Through the portions of the law here has already been covered several times but I think it's important to say my opinion, it still doesn't make the information relevant to follow up care more accessible to the

patient, it makes it more accessible to the public and I don't think that's what we need to do. While access to this information may be desirable to some people or organizations, I fail to see how that's going to help increase patient safety. There are state and federal roads in our county and they are regulated to maintain by the state of Indiana. We don't oppose additional county speed limits on state highways; I don't know why we need to impose additional county legislation on state regulated clinics. If you disagree with the decisions of responsible organization, petition them for change, creating additional layers of legislation and regulation (inaudible) Moreover, I do not reinstitute redundant and repetitive legislation that in my opinion, is driven by personal beliefs and political expediency rather than an actual public safety crisis. Thank you.

Mr. Catanzarite: I will try not to be redundant but we had to listen to a lot of redundancy tonight ourselves at (inaudible) at times, I am respectful of persons on both sides of this issue, I have friends out in the audience on both sides of this issue, I have fellow parishioners I go to church with, people that take care of my kids on both sides of this issue so it's tough, it's a tough issue, none of us want to be up here making this tough decision because we know, like Mr. Herbster said, half of the audience is going to be mad at us, half of those in attendance will be happy with the decision tonight. When I listen to the testimony tonight, I seem to hear a lot of opinions, opinions like, I don't think they have call procedures by one physician, the statistic that it's estimated that ten percent of abortions have complications, somebody said, they referred to Women's Pavilion as this facilities malpractice record, as if it has a bad medical malpractice record. I have a lot of documentation here; it's been helpful to look at. These court cases that we have been looking at here have gone back to nineteen eight four with the most recent one at the top in two thousand and three so I counted, so there are seven Indiana lawsuits of malpractice against this facility on record, I don't know the outcome of those suits. I don't know how those ended. I too agree is duplicative of Indiana state law, we heard that on March twenty sixth, there might be an answer from the state on this, I think we owe it to the Indiana State Board of Health to give them due diligence in trying to pursue charges against this practice, if in fact, they find that the allegations against them are true in fact. Local hospital heard from physicians on the other side of the issue. Local hospitals have laborists now, there is an OB/GYN on staff, twenty four hours a day, seven days a week at both St. Joe Med Center and Memorial Hospital, have hospitalist that are physicians that are assigned in the hospital to handle case management of patients when they don't have a family doctor or when their family doctor doesn't have admitting privileges. I have done my own research, I have spoke to a couple of ER doctors I know at both hospitals and unbiased, quick question, three of these ER doctor, I said, "have you ever had a case of abortion complications in the Emergency Room?" Unequivocally by these physicians, three of them, they all said rarely. I question, it makes me wonder, how much of the truth are we hearing? Dr. McGuire, earlier tonight said that he, I don't know what his length of tenure is as a physician is in our county but he said he's had five cases like this, I don't know if that's over five years, twenty five years, so is five a lot? Are seven medical law suits a lot? I am not certain, it doesn't seem like it's out of bounds for someone who does an invasive medical procedure like and OB/GYN or maybe an abortionist to have seven law suits against them in thirty years. It is a highly litigious society we live in and that is a high risk practice you are engaged in that's why some of the medical malpractice insurance is most expensive with OB/GYN's because they have such a high rate malpractice suits filed against them. Looking at the capabilities of our local hospitals, both hospitals are very capable with highly confident emergency rooms, Memorial Hospital is one a few level two trauma centers in the state of Indiana and the physicians I know and work with on a regular basis are highly competent, highly skilled and certified in the profession they are in and I know they can handle any emergency that's thrown at them, we have seen it, we've heard about them saving lives of people who were dead or near dead and I am certain with someone with an abortion complication can be handled by an ER doctor in our county. This is a tough issue for me and it's going to be tough for me to make a decision tonight but I will make a decision and I think the legislations well intended and I think we have laws in the books in Indiana that address this. The laws are so new in Indiana; we haven't given a chance to let themselves out. I think it's smart to allow due diligence to proceed, let's see what the Indiana State Board of Health finds out and go from there. I will be voting against this ordinance tonight.

Mr. Morton: First of all, thank you for bearing with this process this evening. With that said, I am supportive of the current regulations for admitting privileges. The state already requires abortion providers to have admitting privileges and provide information to patients as to where they can receive follow up care. I am also supportive of legislation requiring Indiana abortion facilities to meet basic standards as any other Indiana ambulatory/outpatient surgical center. Indiana code regulates hospitals, ambulatory/surgical centers and abortion providers equally on the following issues: licensing requirements, procedures for filing allegations of breach of requirements, requirements for the Health Department to investigate allegations, referral of medical personnel facing allegations of breach to the appropriate licensing board, referral of physicians facing allegations of breach to the medical licensing board, but, because I am not a health care professional, I must rely on the expertise of the St. Joseph County Board of Health and medical practitioners in this county. Therefore, I met directly with seven well respected doctors in our community, three OB/GYN's with a combined total of one hundred years of experience, three family practitioners with over ninety years of experience and one radiologist with over twenty years experience. All the doctors to whom I spoke to have had admitting privileges to at least one of our local hospitals and more often both. None of the physicians I spoke to have

heard or seen any of the allegations that have been rumored and or reported about poor patient care or follow up, in fact, within the group the seven physicians I have met with, most have queried their OB/GYN surgical colleagues working in the emergency rooms in this community regarding these allegations and none of these doctors were able to recall a terrible post termination case. There is a long standing history of providing a safety net for all patients coming in the emergency room at both hospitals in this community. For example, if a woman come to the emergency room, standard protocol is to run basic blood tests, including a pregnancy test, then an on-call radiologist looks at the scans and calls the emergency room doctor with a verbal report on the results. After the ER doctor examines the patient and gets the tests results back, he or she will make one of three decisions. Number one, admit the patient, number two, the patient can go home without patient treatment or number three, if the patient does not have a physician, the ER department has a call list of doctors whom will see outpatients who are not their established patients for follow up after discharge from the hospital. The system works. No one is denied care if they are unable to pay or don't have insurance. This is part of the community service that physicians provide at both hospitals at our community. No patient leaves the emergency room without the name, phone number and address of a doctor they can see for a follow up visit, no questions asked. In the beginning of my comments, I referred to the St. Joseph County Board of Health to quote a portion of their official statement on this bill, "The focus of this ordinance appears to be on addressing a societal issue. In order for a societal issue to receive stature and public policy, they must generate high merit, evidence of need and broad base community support. This ordinance does not meet any of those standards." Therefore, because of everything I have just stated, I will not be in support of Bill No. 69-14.

Mr. Catanzarite: Mr. Morton, I know I had my chance to speak but I want to make one last plea to everyone in the audience here and Mr. Noland, I think said it best that what divides us is what brings together in our community and I really do challenge those who are pro life and challenge those who are pro choice after this meeting, whatever the decision is, I think we need to work together, I think everyone in this room agrees that abortion is not always the best option out there, I think all of us would agree that, if you wish in society it weren't there but it's legal in America, it's been legal for over forty years. I think we all agree that absence and education on prevention are good things to teach young adults in our country and in our community. I really challenge both groups; we spin our wheels here for six and a half hours debating this issue, why don't we invest this same kind of time going forward in the future and trying to resolve some of the problems that is believed by both sides the plague our community as it relates to this issue and other issues. I would challenge everyone in this room to consider doing that.

Motion to pass Bill No. 69-14, as amended was made by Mr. Herbster and seconded by Mr. O'Brien. Bill No. 69-14 failed 6-3 to wit. Against: Mr. Kruszynski, Mr. Noland, Ms. Hess, Mr. Morton, Mr. Catanzarite and Mr. McCahill.

Unfinished Business:

Mr. O'Brien: I just want to tie up a loose end from last month, the minutes were approve subject to follow up with regards to the letter from the Kidders that was an email correspondence where they questioned Mr. Faccenda's veracity. I sent that to all of you, I confirmed that at the committee meetings that everyone got it and you were satisfied with that so I just want to make it clear on the record that that's been done so there should not be any doubt about the January minutes being confirmed. So just to summarize, I did follow up with the request of Mr. Noland when we approved the January minutes subject to producing the interaction or the exchange the Kidders, I provided copies of the email to everyone on the Council and confirmed at the February committee meetings that everyone had that and were content with that.

New Business:

Privilege of the floor:

Mr. Herbster: I rise to announce my resignation from the St. Joseph County Council effect as of April 6, 2015. The reason I am resigning is because I have recently found out that I had been accepted into the Officer Candidate School Program of the U.S. Army. To quote General Douglas MacArthur, "This is the fulfillment of all my boyish hopes and dreams." It is an honor to be chosen and my only desire is to be worthy of this choice. I have always respected the U.S. Military and all who serve in it as we have seen the rise of Isis, Boko Haram and other serious threats to our nation. My heart was burdened with the conviction that somebody needed to stand up to them. How hypercritical of me to feel this way if I was not willing to serve if I was able. So I say with the Prophet Isaiah, "here am I, send me." If I were to thank everybody in my life deserving of thanks we would be here all night, since it's late, let me thank only a few. First of all, let me thank my fellow colleagues on the County Council, both present and past, those who have moved on to other things, Mike Hamann, Mike Kruk, others. It's been a privilege and an honor to work with each one of you, I appreciate the professionalism that we have had on this Council and a lot of that credit goes to

President Morton and his efforts to try to build unanimity and consensus and to preserve the quorum, our former Auditor, Pete Mullen referred to us a symphony orchestra and in many ways that's the way we operated, I will miss our comradery, I'll miss you guys. I also want to thank my employer the last few years, Thorn-Grodnick, the law firm, especially many of you know Mike Trippel and know Jamie Woods, it is an excellent local firm, highly respected, it's been an honor to be associated with them these last three or four years. I want to thank my family, specifically my mom, my dad and my sister. My mom who is passionate about life issues, who has always pushing me to do to my best, who's always been supportive, from my father who is now in Heaven, who never met a stranger, who was passionate about politics but was always good about being disagreeing agreeably and I thank my sister, one of my best friends, counselor and the reason my campaign literature was designed so well. I want to thank my church, Community Baptist Church where I grew up in a nurturing environment where I heard the gospel the first time, the Christian school I grew up at, Community Baptist Christian School for the quality education I got there. Thankful for the folks at my church and school who have supported me ever since my basketball coach and the government teacher, Kip Wellen, who was my honorary chairman for folks like Carol Hoffmyer who served as my Treasurer for other folks who regularly prayed for me and some even told me they pray for me and other elected officials every single day. I am thankful for my constituents, for the honor they have given me to represent District F for these over five years and for this community, it has been a wonderful place to grow up. I love it and I am very thankful for it. I finally want to thank my Lord and Savior, Jesus Christ who despite my sinfulness died on the cross in my place who took the penalty that I deserve who through my faith forgave me and has given me a purpose in life and I hope that, by some small measure of my time on the Council will count for His glory and my future endeavors as well. I love my country and I am excited to serve in the U.S. Army even as I am sad to leave my home. I wanted to close with a portion of some fitting words from one of my political hero's and in my opinion our greatest President, while we are in totally different circumstances I would never have compared my situation with the importance of his, his words reflect my feelings in leaving my home to serve my county. On February 11, 1861 at the train station in Springfield Illinois, Abraham Lincoln said these words, "My friends, no one, not in my situation can appreciate my feelings of sadness at this parting, to this place and the kindness of these people, I owe everything. I now leave not knowing when or whether ever I shall return. Without the assistance of that divine being whoever attended George Washington I cannot succeed. With that assistance I cannot fail. Trusting him who can go with me and remain with you and be everywhere for good, let us confidently hope that all will yet be well. To his care commending you as I hope in your prayers you will commend you; I bid you an affectionate farewell."

Mr. Catanzarite: I would just like to take a moment to respond a little bit to Mr. Herbsters comments. I just want to say it's been a pleasure to work with you and I respectfully agree to disagree with you a few issues but I think for the most part, as you described what Mr. Mullen described us as a fine oiled symphony, maybe not so fine at all times, but it's been a pleasure working with you. I respect the fact you are going to be protecting our county and I know you will serve nobly and I know that me and my family will be safer because of your service to our county. Thank you.

Ms. Hess: I would just like to echo Mark's comments. I have been on the council a short time but it's been a pleasure serving with you and again, you do seem to have a fairly decent congeniality on this council which I do appreciate and I think the constituents appreciate and it is certainly a dangerous time out in the world right now and for you to step up and deal with it, I admire that. I wish you the best.

Mr. Hamann: It's been a pleasure working with you, I admire your courage. We have not always seen eye to eye but you were always remain true to your principals. God bless you.

Mr. O'Brien: I'd add that we do always see eye to eye and I like and respect working with you and I will pray for you daily.

Mr. Kruszynski: Dan, I commend you courage not only to our county but to our community and I wish you nothing but the best.

Mr. Root: We have come a long way since that first day at Politos haven't we? It's been a pleasure to serve with you for the last five plus years Dan. I have really enjoyed it; I am going to miss you a lot on this Council I wish you Godspeed in your new adventure.

Mr. Morton: Mr. Herbster, I would just like to say it's been a pleasure working with you are totally committed to every issue that's come before us and you have done a great job and I know you are extremely committed to this job and your constituents and all I can say is I wish you the best of luck.

Mr. Noland: Thank you sincerely for your service on the Council here and even more so with your new endeavors, I have the ultimate respect.

Mr. McCahill: Mr. Herbster, I think right now, I am the only one who's a Veteran on this council. I wish you Godspeed; you will get what out of it everything you put into it. Have fun, be safe. God bless.

Adjournment: Mr. Morton stated that the meeting was adjourned 1:00 a.m.

Auditor, St. Joseph County

President, St. Joseph County Council

