

CITY OF OREM
SPECIAL CITY COUNCIL MEETING
56 North State Street Orem, Utah
November 13, 2020

*This meeting was held electronically
to allow Councilmembers and Staff to participate.*

12:00 P.M. SPECIAL SESSION – VIA Zoom

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner.

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Department Manager; Brandon Nelson, Finance Department Manager; Karl Hirst, Recreation Department Manager; JoD’Ann Bates, City Recorder; and Jackie Lambert, Deputy City Recorder

CALL TO ORDER

Mayor Brunst read the following to begin the meeting:

“Pursuant to Mayor Richard F. Brunst's Proclamation dated November 1, 2020, the Special Orem City Council meeting on November 13, 2020 will be an all-electronic meeting. There will be no anchor location for the meeting. The City cannot ensure the recommended minimum of six feet of social distancing for meeting participants at the usual anchor location in the Orem City Council Chambers. Therefore, holding the meeting at the City Council Chambers would present a substantial risk to the health and safety of those who may be present at the meeting and may contribute to the spread of COVID-19. There will be no public access to the Orem City Council chambers. Those desiring to view or participate in the meeting must do so electronically.

To view the meeting: please go to orem.org/meetings.

To make a comment: Please submit your comment through: orem.org/comments

Written comments will be accepted before and during the meeting. All written comments received will be entered into the record and forwarded to each City Council member for review. Written comments will also be read aloud during the live meeting when required by law or when time permits. As technology permits, the City Council may also accept oral comments. Once an item has been voted on, that item will be closed to additional comments.

Thank you for your cooperation during these challenging times.”

SCHEDULES ITEMS

ORDINANCE – Enacting Section 9-2-15 of the City of Orem Code related to Targeted Residential Picketing

The City had recently seen groups of individuals gathering to picket and protest outside the homes of certain government officials. There had also been calls to stage even larger-scale protests and picketing in front of the homes of specific government officials with estimates of several hundred protesters expected to participate. This "targeted residential picketing" could be intimidating and threatening to the individuals who were the focus of the protests and was a serious disruption to the feeling of peace and safety that every resident was entitled to enjoy in their home.

In order to protect individuals who were or may in the future be the focus of targeted residential picketing, staff proposed the adoption of a targeted residential picketing ordinance. The proposed ordinance would make it unlawful to engage in picketing that was specifically directed at a particular residence or the occupant(s) of that residence. The U.S. Supreme Court had held that targeted residential picketing ordinances were legal and did not violate the First Amendment. Individuals would still be able to exercise their First Amendment right to protest as long as they did not focus or direct their picketing toward a specific residence in violation of the ordinance.

Mr. Earl reviewed the definition of picketing. He said having protesters or picketers outside one's home could be disturbing and intimidating, may expose people to unwanted speech as they were a "captive audience" as it were. He said full opportunity would still exist for individuals to exercise their rights for free speech and the intention was not to suppress speech rights of any particular viewpoint. Mr. Earl said the proposed ordinance would make it unlawful to picket within one hundred (100) feet of the property line of a target house, and any violation of this section of code would be a Class B misdemeanor.

In response to a question from Mayor Brunst, Mr. Earl clarified that it was 100 feet from the property line. Mr. Macdonald asked if it was possible to extend beyond the 100 feet. Mr. Earl said going beyond that ran a greater risk that a court would see it as too restrictive and potentially unconstitutional.

Mr. Sumner said this would be a tool that public safety could use if it became necessary and was not with the intent to stop people exercising their right to free speech. Mr. Earl said that was correct, and any picketers that behaved in an inappropriate manner may be charged with disorderly conduct.

Discussion continued regarding "free speech zones" within a municipality, public sidewalks and streets as public forums, the effect within neighborhoods on those not the target of the protest, and the various tools available to the public safety officers in maintaining safety in the community. There was particular discussion on whether a physical line should be drawn at the 100 foot mark from the property line. Mayor Brunst felt the line would be needed for protesters to know where it was. Mr. Davidson said he had spoken with Chief Adams about whether it was prudent to mark

the 100 foot line. Chief Adams said his team was having conversations with the neighbors on Governor Herbert's street as well as the security team in place to protect the governor. Chief Adams said the goal was to educate people on what was allowed and to maintain the peace in the neighborhood while still allowing people to express their viewpoints. He said drawing an actual line may incite more aggression, which they wanted to avoid. They did not want to have a large police presence but rather be on hand to keep everyone protected and safe.

Mr. Sumner thanked Chief Adams and his team for speaking to the neighbors individually to keep them in the know, as he himself was a neighbor of Governor Herbert. Mr. Sumner said previous protests in the cul-de-sac had not been violent, but there had been lots of loud noise including angry, profane yelling and the blowing of air horns. Mr. Sumner said the neighbors were relieved to know the police department would be there as support on Sunday.

Mr. Macdonald asked about scheduled protests the city had been made aware of; Chief Adams said he was only aware of one scheduled for Sunday.

Mr. Peterson expressed concern about passing this ordinance two days before the event. He said he was generally in favor of the proposed ordinance, but the timing gave him pause. Mayor Brunst said that was understandable, but he felt this was an appropriate time to act and ensure safety and peace for Governor Herbert and his family. In response to Mr. Peterson's question, Mr. Earl said this ordinance was not targeting any one group, person, position, or viewpoint. It would apply now and in the future to any protest.

Mayor Brunst then moved, by ordinance, to enact Section 9-2-15 of the City of Orem Code related to Targeted Residential Picketing. **Mr. Sumner seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

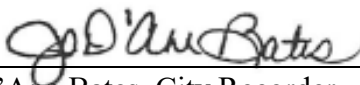
ADJOURNMENT

Mr. Peterson moved to adjourn the meeting. **Mr. Peterson seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

The meeting adjourned at 12:26 p.m.



Approved: December 8, 2020


JoD'Ann Bates, City Recorder