



PROVO MUNICIPAL COUNCIL

Regular Meeting Minutes

6:00 PM, Thursday, August 27, 2020

Electronic meeting: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil)

Opening Ceremony ([0:00:00](#))

Roll Call

The following elected officials participated:

Council Chair George Handley, conducting

Council Vice-chair David Harding

Councilor Travis Hoban

Councilor David Shipley

Councilor Bill Fillmore

Councilor Shannon Ellsworth

Councilor David Sewell

Excused: Mayor Michelle Kaufusi

Prayer

Councilor David Harding offered the prayer.

Pledge of Allegiance

Councilor David Shipley led the Pledge of Allegiance.

Action Agenda

1. **Reconsideration following mayoral veto of an ordinance related to COVID-19 pandemic responses, including face coverings and public gatherings. (20-120)**

Cliff Strachan, Council Executive Director, presented on the reconsideration request. The Mayor vetoed the previously passed mask ordinance citing three main concerns: she has not received a request from any community partners asking for a mandate, she was concerned about the enforcement burden on the Police Department, and the mandate conflicted with her ideological principles about limited government and a “don’t tread on me” perspective.

Brian Jones, Council Attorney, highlighted several minor tweaks to the ordinance. The actual changes proposed to the City Code were identical to those proposed and approved on Tuesday, August 25, 2020. The only changes were made to the preamble to provide the background and proper context to the Council’s reconsideration of the ordinance. Mr. Jones briefly highlighted several provisions of the proposed changes to the City Code text. Specifically, he addressed

some confusion regarding why the outdoor number was higher than the indoor number for events; the indoor number was a cap regardless of the ability to social distance, whereas the outdoor requirement only came into effect without social distancing.

Council Chair George Handley expressed appreciation and respect for Mayor Kaufusi and her relationship with the Council. He felt that they were unified in a common desire to minimize risk and promote health and safety during the pandemic. He expressed disappointment in the lack of civility in the public dialogue surrounding a mask mandate. As elected officials in Provo, they were all committed to modeling civility about this and other issues in Provo. The Council was committed to an ongoing and continuing dialogue about pandemic precautions. He thanked members of the public who have engaged on this issue, staff who have spent many hours behind-the-scenes to make the meetings possible and prepare drafts of the ordinance, and to the Administration for their cooperation throughout the process. Mr. Handley then invited comments and discussion from the Council on the implied motion to approve the ordinance.

Councilor Bill Fillmore shared his comments on the proposed ordinance. He highlighted some of his lingering concerns about items not addressed by the ordinance but indicated his intent to vote in favor of the ordinance that evening. Specifically regarding his concerns, he felt some language could be further clarified to consider disability or health challenges, expanding outreach and education efforts, concerns about the individual mandate being punitive, and a desire to find some leeway for organizations to implement precautions to allow outdoor gatherings. He suggested removing the fine from the proposed ordinance, to focus on enforcement or compliance in public spaces and retail settings.

Mr. Handley reminded the Council that time has been set aside at the upcoming Council Meeting on Tuesday, September 1, 2020, to discuss ongoing concerns related to the mask ordinance. He noted that the intent for this vote was simply a reconsideration of the ordinance after the Mayor's veto.

Councilor Shannon Ellsworth acknowledged the difficulties the city and its residents and businesses have faced in the last six months. She expressed her hope that civility and respect could continue to be demonstrated in all areas.

Motion: An implied motion to adopt Ordinance 2020-36R, as currently constituted, has been made by council rule.

Vote: Approved 6:1, with Travis Hoban opposed.

Adjournment

Adjourned by unanimous consent.