

COUNCIL POLICY NO. B-5

- TITLE:** PUBLIC FORUM POLICY FOR CIVIC CENTER ATRIUM AND BREEZEWAYS
- POLICY:** Set forth below.
- REFERENCE:** U.S. Constitution, First Amendment; Oregon Constitution, Article I, Section 8; Article XI, Section 2; *Perry Education Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 45-46, 103 S.Ct. 948 (1983); *Rosenberger v. Rector and Visitors of University of Virginia*, 515 U.S. 819, 830, 115 S.Ct. 2510 (1995), and; *Good News Club v. Milford Central School*, 533 U.S. 98, 109, 121 S.Ct. 2093 (2001).

CITY OF SALEM POLICY ESTABLISHING THE CIVIC CENTER ATRIUM AS A LIMITED PUBLIC FORUM AND CIVIC CENTER BREEZEWAYS AS NOT PUBLIC FORUMS

Recitals:

1. The Civic Center Atrium, identified as the enclosed area within the Vern Miller Civic Center and covered by an semi-opaque roof (“Atrium”), and the breezeways within the enclosed area serving City offices, serve as the public entrance to the City’s administrative offices and the City Council Chambers, as well as the primary means of access between City offices for the public and City employees.
2. The Atrium has historically been used as an “outdoor” meeting room for City functions, such as ceremonial presentations, and a gathering place for City employee events. The City has not formally permitted the Atrium to be used by the general public for public recreation or assembly or private meetings or events.
3. The assembly of people within the Atrium is disruptive to the efficient operation of City business, in that; sounds within the Atrium echo and can be easily heard within abutting City offices, and; groups of people within the Atrium may cause inconvenience for City employees and visitors to the Civic Center by impeding their route to City offices.
4. It is in the best interests of the City and the public to designate the Atrium as a limited public forum in order to coordinate activities within the Atrium to minimize disruption of City operations and inconvenience to the public.
5. The breezeways abutting the Atrium have always not been considered public forums and not appropriate for public assembly, because they serve as the primary means of access to City offices by City employees and visitors to the Civic Center.

Now, therefore, the City of Salem hereby adopts the following policy:

1. The Civic Center Atrium is designated as a limited public forum, to be used as an outdoor meeting room for City sponsored purposes, such as City employee gatherings and events, and ceremonial events where the public may be invited.
2. The City shall not sanction or authorize the use of the Atrium for assembly of groups of the general public regardless of the content, viewpoint, or expressive nature of the assembly, and reserves the right to refuse permission for such assemblies, if in the City Manager's, or the City Manager's designee's, sole discretion, such an assembly is disruptive to City operations, inconveniences the public's use and access to the Civic Center, or is otherwise injurious to the public safety and welfare.
3. The breezeways abutting the Atrium are designated as not public forums and public assembly within the breezeways is not permitted.