



## City Council Staff Report

**Subject: March for Science Level Three First Amendment Event Approval**

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**Department: Special Events Department**

**Date: March 30, 2017**

**Type of Item: Administrative**

### Summary Recommendation

Staff recommends City Council review and approve the March for Science, a Level Three First Amendment Event to be held on Saturday, April 22, 2017 from 9:30 a.m. to 3:00 p.m. comprised of a march beginning in the Brew Pub Parking Lot at 9:30 am traveling down Main Street connecting to Swede Alley at the Bear Bench Crossing then returning to the Brew Pub Parking Lot for a rally ending at 12:00 pm with additional activities in the Santy Auditorium from 12:00pm – 3:00pm. Staff makes this recommendation based on findings of the fact, conditions of approval and conclusions of the law in a form approved by the City Attorney's Office and Fee Reduction in the amount of \$ 9,746.00.

### Executive Summary

Staff received the March for Science First Amendment Event Application on March 14, 2017. The applicant anticipates 1,000 participants in attendance. Due to the estimated number of participants, and impacts associated with the event, staff has qualified this event as a Level 3 First Amendment Event, which requires the approval of City Council as according to section [4-8-4-C-4](#) of the Park City Municipal Code.

### The Problem

The submission date is 40 days from the planned date of the event and requires a compressed time for application process and review. This application also does not fit into the timeline for the Fee Reduction Application Process. Due to the nature of First Amendment events, the type of activity creates compressed timeline for application review and evaluation. Staff is working with the applicant to meet all operational and logistic coordination and requirements, as well as mitigations and communications. Staff does believe that the event will have a level of impacts that trigger a Level Three Special Event, hence requiring City Council approval.

As pertains to section 4-8-9 of the Municipal Code, because the fee reduction application was received outside of the timeline, staff is also requesting City Service Fee Reduction for \$ 9,746.00 for the event. The applicant has demonstrated an immediate need for reduction, and has justifying why the application was not filed within the deadline.

### Background

- Staff received a First Amendment Event Application on March 14, 2017 for the March for Science from Josh Hobson with the Park City March for Science (Exhibit A)
- According to information provided by the applicant: The March for Science champions robustly funded and publicly communicated science as a pillar of human freedom and prosperity. The group unites as a diverse, nonpartisan group to call for science that upholds the common good and for political leaders and policy makers to enact evidence based policies in the public interest.
- There are several goals for the Park City March for Science including:
  - To stand with and show public support to the scientific community,
  - Give local scientists and science educators an open platform to interact with the public, and
  - Engage and inspire children and families to showcase how thoroughly scientific advancement benefits our daily lives.
- The event is scheduled for March 22, 2017. The ski resorts' scheduled closing date is April 16, weather and conditions permitting.
- Staff has been working with the applicant, Josh Hobson with the Park City March for Science, regarding logistics, safety and security for the event. The applicant continues to coordinate and work with staff to ensure all mitigations and requirements are met.
- Staff anticipates an estimate of 1,000 people will be in attendance for the March for Science. The organizer continues to monitor their social media feedback to update Staff on crowd estimates to insure proper mitigations of impacts.
- Impacts associated with the event include a rolling road closure, parking removal, and transportation planning, and City Facility use.
- The march portion of the event will begin and end at the Brew Pub Parking Lot (Exhibit B), a post-march rally activities are being planned for the Santy Auditorium. The overall event has been planned along the following timeline:
  - 6:00am - 8:30am : Setup in Brewpub Lot
  - 8:30am - 9:00am : Attendees arrive
  - 9:30am: March begins at Brew Pub Lot, travels down Main Street to the Bear Bench, marchers will use the Bear Bench crossing to Swede Alley then travel south from the crossing to return to the Brew Pub Lot.
  - 10:00am – 12:00 pm: March ends and rally begins at Brew Pub Lot comprised of three 10-minute speeches by renowned scientists and one 3-minute speech by a Park City High School student
  - 12:00pm: Rally at Brew Pub Lot ends
  - 12:00 pm - 1:30pm: Tear down of Brew Pub set-up and lot reopens
  - 12:00 pm – 3:00pm: Post rally activities planned for the Santy Auditorium
    - A three hour program scheduled to include a 20-minute presentation followed by 5 – 6 speakers with a 5 minute question and answer period after each.
- Parking will be removed from the Brew Pub Lot on Saturday, April 22, 2017 from 6 a.m. to 1 p.m. for set-up and post March rally. The lot will be noticed for parking removal during the above stated times on Friday evening, April 21, 2017.

- 20 parking spaces will be removed from Swede Alley across from the Transit Center to facilitate the march as it travels from the Bear Bench crossing to Swede Alley.
- No parking is being required to be removed from Main Street for this activity.
- Staff will coordinate with the applicant to find auxiliary parking areas for attendees outside of the Old Town/Main Street core. The Applicant has agreed to work in coordination with the City to ensure adequate off-site parking, currently slated for the Park City High School Lot, and traffic circulation in the vicinity of the event.
- The applicant is communicating that the event will be held rain or shine and there are no alternate dates requested for weather contingencies
- The applicant will encourage participants in the event to carpool, walk and take transit to the event.
  - Depending on the size of the event, there may be temporary closures of Swede Alley associated with the event in order to ensure the safety of the public.
  - Staff will coordinate with the applicant to ensure that if transit operations are modified, they have the ability to stay on schedule and continue to have access to routes during this time.
- Staff has been working to coordinate communications for this event through the Special Events and Community Engagement Departments. Staff is working to coordinating outreach to HPCA, Main Street Businesses, Chamber, Resorts, County and SEAC. Staff will require the applicant to utilize local media outlets including KPCW and HPCA for community mitigation information, as well as, using City Social Media and website to communicate information. Staff is working to consider utilizing the PC Alerts Text Mass Emergency Notification System for up to date information regarding this event.
- Like the Women’s March, this is a satellite event to a larger march in Washington, D.C. On April 22, there are four other March for Science events planned for the state of Utah in the following cities: Salt Lake City, Logan, St. George and Moab. Each event is locally planned and not affiliated with the applicant for the Park City event.

### **Analysis**

Staff finds the March for Science, First Amendment Event Permit is an activity conducted for the purpose of expressing political, social, religious or other views protected by the First Amendment of the United States Constitution and Article 1, Section 15 of the United States Constitution, including speechmaking, marching, demonstrating and debating public issues:

- 1) On City property;
- 2) Necessitating a rolling street closure; and
- 3) Creating impacts on services and transportation arising from the size of the event.

### **Fee Reductions**

The timing of this event does not allow it to be included into the Fee Reduction Process, which calls for fee reduction applications for events occurring January 1 – June 30<sup>th</sup> be submitted by October 1<sup>st</sup> of the previous year.

The applicant has obtained the following insurance for the event and is not requesting a waiver of these requirements:

- \$2,000,000 per occurrence /\$4,000,000 aggregate
- Proof of Workers Comp. \$500,000

Auto Liability not required. There are no vehicles associated with this event as per the description of the event.

[Title 4-8-8 \(D\)](#) of the Park City Municipal Code allows for the following fee assessment exception for First Amendments Events:

**EXCEPTIONS:** Specified Fees do not apply to an application for a First Amendment Event permit if the Applicant demonstrates, by sufficient evidence, that the imposition of Fees would create a financial hardship on the Applicant or would have a detrimental effect on services provided to the public.

Based on a statement of hardship from the applicant (Exhibit D), the applicant of the event is requesting a full fee reduction for required City Services in the amount of \$ 9,746.00

Estimated City Services	
Removal of parking on Swede Alley 20 spaces - \$16 per space	\$ 320.00
Brew Pub Parking Lot Fee 51 spaces - \$16 per space	\$ 816.00
Santy Auditorium Rental Fee	No Fee Required
Building Permit Fee	\$ 300.00
Police Officer Fee 16 officers @ \$75 per hour 4 hour each ( 64 Total hours)	\$ 8,310.00
Total City Fees	\$ 9,746.00

Staff recommends the event approval and fee reduction as the applicant has been working with Staff to meet the requirements of the Municipal Code Title 4, Chapter 8, in accordance with the attached findings in Exhibit C.

### Department Review

Due to the timeline to execute this report, Special Events, Public Safety and Economic Development Departments, Legal and Executive have reviewed this report.

Due to the timeline to execute this report, Budget, Building, Transportation Planning Public Works Departments have not reviewed this report, though they have been and will continue to be involved with coordination regarding this event.

### **Funding Source**

A waiver of the related city fees is requested by the applicant. If granted the funds would be transferred to the relevant departments from the city's General Fund.

### **Alternatives for City Council to Consider**

**1. Recommended Alternative:** This is staff's recommendation.

Staff recommends City Council review and approve the Level Three First Amendment Special Event permit for the March for Science to be held on Saturday, April 22, 2017 from 6:00 a.m. to 3:00 p.m., based on findings of the fact, conditions of approval and conclusions of the law in a form approved by the City Attorney's Office. Additionally staff recommends that Council approve Fee Reduction in the amount of \$ 9,746.00 for the event.

#### **Pros**

1. The event promotes First Amendment Rights of free speech promoting an informed and active community participation in governance
2. The march route supports Council goals of reducing the negative impacts of the these types of events by allowing Heber Ave. and the lower portion of Swede Alley to remain open to Transit and normal vehicular Traffic.

#### **Cons**

1. The request for fee reduction shifts most of the operational costs for the event from the applicant to the General Fund

**2. Modify Alternative:**

City Council could modify the approval of the March for Science to be held on Saturday, April 22, 2017. Staff would need specific feedback on proposed findings and/or event changes on how to proceed with the event.

**3. Denial Alternative:**

City Council could deny the approval of the March for Science to be held on Saturday, April 22, 2017. Staff would need specific feedback regarding how to proceed with the event.

#### **Pros**

1. There would be no use of city funds for this activity

#### **Cons**

2. The event would not take place as planned by the applicant

**Attachments**

- A March for Science First Amendment Event Application
- B Site Plan for the March for Science First Amendment Event
- C DRAFT Findings for the March for Science First Amendment Event
- D Statement requesting reduction of associated fees