

COMMITTEE OF THE WHOLE MINUTES

A meeting of the Committee of the Whole was held on Wednesday, February 23, 2022, at Storey Gym, 2811 House Avenue and via an electronic meeting, starting at 6:00 P.M. Those in attendance were as follows:

COMMITTEE MEMBERS: Scott Roybal, Chairman; Dr. Michelle Aldrich, Bryan Cook, Ken Esquibel, Richard Johnson, Pete Laybourn, Tom Segrave and Jeff White. Absent: Dr. Mark Rinne.

CITY STAFF: Stefanie Boster, City Attorney; Andrew Worshek, Mayor's Chief of Staff; and Michael Skinner, Public Information Officer.

OTHERS PRESENT: Mayor Patrick Collins; Steve Melia; Dale Steenbergen and Amber Leyba, Cheyenne Chamber of Commerce; Scott Mattson; James Robinson; Mr. & Mrs. Freeman; Heather Smith; Susan Graham; Andrew Dimit; Bob Wilson; Robin Goodspeed; Eric Crosby; Stephen Olson; Sara Burlingame, Wyoming Equality; Stuart Campbell; Paster Steven Latham; Paulette Gadlin; CJ Brown; and Alicia Green.

AGENDA ITEMS

15. **ORDINANCE –2nd READING –** Creating a new Section 9.08.120, Malicious Harassment Based on Race, Color, Religion, Ancestry, Sex, Sexual Orientation, Gender Identity and Expression, National Origin, or Disability, of Chapter 9.08, Offenses Against Public Peace and Decency, of Title 9, Public Peace and Welfare, of the Code of the City of Cheyenne, Wyoming. (SPONSORS – MR. COOK, MR. EQUIBEL, MR. JOHNSON, DR. RINNE, MR. ROYBAL AND MR. WHITE)

This meeting experienced technical difficulties at the beginning of the meeting, therefore, the recording is missing from approximately the 5-minute marker to the 27-minute marker.

Mr. White moved to approve on 2nd reading, seconded by Mr. Johnson. Motion carried with Mr. Cook, Mr. Esquibel, Mr. Laybourn, Mr. Segrave, and Mr. White voting "YES" and Dr. Aldrich voting "NO".

DISCUSSION: Mr. Johnson, sponsor of the item, provided background information on the origin of the proposed ordinance and noted an uptick in complaints to the Cheyenne Chamber of Commerce regarding the military community feeling unsafe in Cheyenne. Mr. Johnson advised he spent several hours researching ordinances passed in other cities similar to Cheyenne noting the ordinance from Tulsa, Oklahoma is the model for the proposed ordinance. Mr. Johnson noted Wyoming and South Carolina are the only states that do not have any type of similar legislation. Mr. Johnson addressed the concerns of constituents including the lack of enforcement, overlaying laws currently on the books, and the vagueness of the ordinance noting the ordinance has been reviewed by the City Attorney's office. Stefanie Boster, City Attorney, provided a staff report and outlined the ordinance and noted a violation of any subsection could be charged with a

misdemeanor, which carries a fine of up to \$750.00. Bob Wilson spoke against the ordinance citing the vagueness of the ordinance and noted it may cause more division. Robin Goodspeed spoke against the ordinance noting it will create a special class and is subjective. Amber Leyba, Cheyenne Chamber of Commerce, spoke in favor of the ordinance explaining she has heard of increased racial slurs from school aged children and explained as a manager of the Wyoming Retail Association, expansion to Wyoming is less desirable due to the lack of protection. Matt Freeman spoke against the ordinance and recited a portion of the UN Universal Declaration of Human Rights and the Bill of Rights noting there are currently laws to provide protection. Eric Crosby cited other ordinances and laws that exist which define fines and penalties. Heather Smith spoke against the ordinance citing the creation of special class instead of protecting everyone equally noting laws are already in place. Steven Olson spoke against the ordinance noting it is a form of silencing the public and expressed the idea that disagreeing is not hate. Scott Mattson spoke against the ordinance citing it is a way to limit freedom of expression and noted several ordinances across the USA which limits the freedom of expression and provided language that might make the ordinance effective. Andrew Dimit expressed concerns that the ordinance may be seeking something it won't achieve. Sara Burlingame, Wyoming Equality, expressed thanks to the governing body for opening the dialog and noted she receives many phone calls regarding relocation to Wyoming and the lack of harassment laws. Stuart Campbell spoke in support of the ordinance and noted as he travels, he is often asked if Wyoming is safe due to lack of legislation. Paster Steven Latham spoke against the ordinance citing it should be considered at the State level. Paulette Gadlin expressed the need to talk about the harassment in our community. Dale Steenbergen, Cheyenne Chamber of Commerce Director, spoke in support and expressed a need for leadership to address issues in Cheyenne. Steve Melia and Susan Graham expressed a need to enforce the present laws to deal with the issues at hand. CJ Brown provided an example of how harassment may happen without people knowing it and advised he has always been treated with respect throughout the state and has never been scared. Mr. Brown expressed the importance for people to change, not the law. Alicia Green spoke against the ordinance citing present laws and a possibility of dividing the community. Dr. Aldrich expressed thanks for everyone coming out to discuss the issue and advised she does not want to see the community divided and noted the ordinance may need some amendments. Upon inquiry, Ms. Boster advised that all forms of speech are not protected. Mr. Laybourn expressed support for the ordinance and advised he is confident that the Municipal Court will act responsibly when enforcing this ordinance. Mr. Segrave expressed he previously didn't feel an ordinance was necessary however, after speaking with community members, regarding the ordinance that he's changed his mind and will be supporting the ordinance. Mr. Cook and Mr. White expressed support for the ordinance tonight however, both agree that something should be supported and passed at the State level. Mr. Johnson further commented on, the potential issues with the enforcement of the ordinance and advised he believes the next step should be a State Statute. Mr. Johnson expressed his support of his community and his continued desire to make it a better place.

There being no further items for the agenda to come before the Committee of the Whole, the meeting was adjourned at 7:20 p.m.

Submitted by,

A handwritten signature in blue ink that reads "J. McClelland". The signature is written in a cursive style with a large, stylized initial "J" and "M".

Jennifer McClelland

Executive Assistant to the City Council