

CITY OF NEWPORT

RESOLUTION NO. 4014

RESOLUTION ESTABLISHING A POLICY FOR GOVERNMENT SYMBOLIC SPEECH BY DEPARTMENTS OF THE CITY OF NEWPORT

WHEREAS, the government speech doctrine, in U.S. constitutional law, states that the government is not infringing the free speech rights of individuals when the government declines to use viewpoint neutrality in its own speech and, as a result, government speech allows a government to advance its speech without required viewpoint neutrality when the government itself is the speaker; and

WHEREAS, the First Amendment of the U.S. Constitution has been interpreted to include nonverbal or written expressions such as symbols, flags, logos, and conduct as part of speech therein referred to as government symbolic speech; and

WHEREAS, government speech can send important messages to the public regarding the City's viewpoint on various issues; and

WHEREAS, the City Council has adopted a statement regarding the City of Newport being an inclusive organization in the community that embraces diversity, ethnicity, race, age, gender identity, sexual orientation, self-identity, and other perspectives; and

WHEREAS, speech, symbols, logos, and emblems represent many different things to individuals, and these symbols can take on different meanings over time; and

WHEREAS, it has been determined that it could be beneficial to have a City policy where use of various symbols, logos, and emblems be reviewed and approved as it relates to standards adopted by the City Council.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Government Symbolic Speech. Symbols, logos, flags, vehicle markings, uniform markings, and slogans are all various forms of government speech. The authority to utilize government symbolic speech is provided below.

Section 2. City of Newport Flag Policy. Resolution No. 3964, a resolution establishing the City of Newport flag policy governs the policy for flags flown at City Hall.

Section 3. Temporary Government Symbolic Speech. City departments may utilize temporary government symbolic speech to celebrate or recognize certain events or group activities in the City. The decision to utilize temporary government symbolic speech shall be reviewed and approved at the department head level. The use of temporary government symbolic speech shall be for a period of 30 days or less.

Section 4. Long-Term Government Symbolic Speech. Long-term government symbolic speech includes, but is not limited to, logos, symbols, and other forms of symbolic speech that are proposed to be utilized by City departments for a period in excess of 30 days. Government symbolic speech utilized for more than 30 days shall generally represent a broad spectrum of the Newport community or be neutral in nature. The United States flag, Oregon state flag, POW/MIA flag, and City flag may be displayed at all locations where appropriate.

Government symbolic speech that will be utilized for more than 30 days will be submitted to the City Manager, who will submit the proposal to a review committee appointed by the City Manager for review and approval.

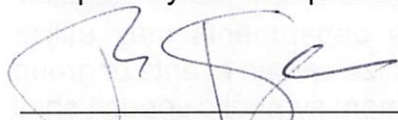
- a. The City Manager shall appoint a review committee consisting of not less than five staff members to review proposed logos, symbols, and other government symbolic speech, with at least one staff member from the City department that requested the proposal;
- b. The government symbolic speech will be submitted to the committee to determine whether the expression of government speech is consistent with the following criteria:
 1. Does the expression broadly represent Newport's diverse population;
 2. Does the expression convey a message that encompasses a broad range of Newport residents;
 3. Is the expression consistent with the City of Newport's statement on diversity, equity and inclusion;
 4. Is the expression consistent with the general messages provided by the City of Newport.

Section 5. Appeal of Use of Government Symbolic Speech. In the event that a person wishes to challenge the use of government symbolic speech by a City department, that issue can be appealed by submitting a complaint to the City Manager. The City Manager shall provide a response back to the complainant within 21 days. If the complainant remains unsatisfied with the response from the City Manager, then the complainant may appeal the City Manager's response to the City Council within 14 days from the date of the City Manager's response. The decision of the City Council is final.

Section 6. City Council Government Speech. The City Council is not required to act neutral when expressing its own viewpoint under the doctrine of government speech.

Section 7. Effective Date. This resolution shall become effective immediately upon adoption.

Adopted by the Newport City Council on March 18, 2024.



Jan Kaplan, Mayor

ATTEST:



Erik Glover, Assistant City Manager/City Recorder