

Date: November 15, 2011

To: Mayor and Members of the City Council

From: Councilmember Rae Gabelich, Eighth District *RG*
Councilmember Gerrie Schipske, Fifth District *GS*
Councilmember Steven Neal, Ninth District *N*

Subject: Occupy Long Beach

Long Beach's Municipal Code, Section 16.16.010 reads in part that:

“No person shall do any of the acts hereafter enumerated within the limits of any public park, public beach, beach area parking lot, bicycle path, public building or enclosure, or public amphitheater or plaza:

K. Remain or stay, or store personal belongings, between the hours of ten o'clock (10:00) P.M. and one hour before sunrise at any public park, public beach, public building or enclosure or public amphitheater or plaza. However, the director of parks, recreation and marine, in consultation with the chief of police, is authorized to alter hours of closing temporarily at any public park, public beach, beach and marina parking lot, public building or enclosure, or public amphitheater or plaza in the interest of public safety, health, or welfare, and no person shall remain or stay while any of the foregoing facilities are closed by the director. This subsection shall not apply to any person attending an activity, program, concession or special event, or the parking of a vehicle overnight, for which a city permit has been issued;”

Members of the Occupy Long Beach movement have been occupying Lincoln Park for more than a month, and have mostly cooperated with the Police Department and complied with the City's ordinances.

Members of Occupy Long Beach have requested the City Council to allow them to set up tents and maintain a “free speech zone” 24 hours a day, 7 days a week during their protest.

Some cities, including Irvine and Los Angeles have allowed Occupy protestors to remain in the public areas overnight, while other cities have not. We also recognize that the Municipal Code must be applied fairly to all affected parties and groups.

In order to have a full understanding and fruitful discussion of the issue, we would like to request the City Manager, City Attorney and other appropriate staff to report to the City Council at the November 15 meeting on the current application of the ordinance, the practices other cities have used to accommodate the Occupy protestors, and options the City Council may consider to address the issue.

RECOMMENDED ACTION:

Request a report from the City Manager, City Attorney and other appropriate staff on the background of the Municipal Code in regards to the overnight closure of parks, the practices of other cities to accommodate the Occupy protestors, and a discussion of options the City may consider to provide a “free speech zone” or other means to address the issue.



City of Long Beach Memorandum
Working Together to Serve

REQUEST TO ADD AGENDA ITEM

Date: November 11, 2011

To: Larry Herrera, City Clerk

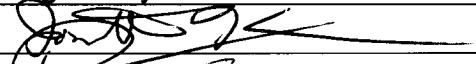


From: Councilmember Rae Gabelich, Eighth District
Councilmember Gerrie Schipske, Fifth District
Councilmember Steven Neal, Ninth District

Subject: Request to Add Agenda Item to Council Agenda of November 11, 2011

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Request a report from the City Manager, City Attorney and other appropriate staff on the background of the Municipal Code in regards to the overnight closure of parks, the practices of other cities to accommodate the Occupy protestors, and a discussion of options the City may consider to provide a "free speech zone" or other means to address the issue.

Council District	Authorizing Councilmember	Signed by
8	Rae Gabelich	
5	Gerrie Schipske	
9	Steven Neal	

Attachment: Staff Report dated November 15, 2011

CC: Office of the Mayor