



Legislation Text

File #: 19-0356, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Quinn Barrow, City Attorney

Mark Leyman, Parks and Recreation Director

SUBJECT:

Consider Adoption of the Expressive Activities Policy (City Manager Moe and Parks and Recreation Director Leyman).

ADOPT RESOLUTION NO. 19-0090

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 19-0090 approving the Expressive Activities Policy.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

With the proposed Expressive Activities Policy, the City intends to clarify that people may gather at the Civic Center and on sidewalks, parks, and the Manhattan Beach Pier for the purpose of expression, dissemination, or communication of opinion, views, or ideas by any means, including, but not limited to, public oratory and the distribution of literature protected by the First Amendment to the United States Constitution ("Expressive Activities"), on any day and at any time without a permit and without being subject to any city fees or charges. The proposed policy expressly provides that people gathering for Expressive Activities must comply with all laws and ordinances, including traffic and pedestrian laws, amplified sound regulations, and park reservation requirements.

In reviewing the ordinances and regulations adopted by other cities, at least one ordinance identifies certain locations that "provide good facilities for persons to gather for expressive activities." That ordinance also provides that "[t]hese are not the only parks available for expressive activities but they do provide adequate space and parking for such activities." The Council may consider adding similar language to the proposed policy to identify locations within the City that are particularly well-suited for Expressive Activities.

In addition, upon reviewing the Municipal Code to determine whether the Code adequately addresses Expressive Activities, Staff found other Code provisions governing special event permits that may

need to be reconciled with these provisions if the City Council adopts the proposed policy.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT:

1. Resolution No. 19-0090
2. Expressive Activities Policy