



MEMORANDUM

TO: Mayor and Council

THROUGH: Christopher Shorter, Assistant City Manager

FROM: Roosevelt Weeks, Director of Libraries *Roosevelt Weeks*

DATE: February 27, 2020

SUBJECT: Council Resolution No. 20181129-043 (CIUR 2120)

On November 29, 2018, the Austin City Council passed Resolution No. 20181129-043, directing the City Manager to review best practices regarding petitioning and other free speech activities at city libraries and the Palmer Events Center and other city owned or operated property, and to identify issues and policy considerations and provide information and options on any changes to rules, ordinances, or procedures that staff would recommend.

The Austin Public Library adopted Library Use Rules in February 2017, which identified specific sections pertaining to petitioning and other free speech activities occurring on library property. The relevant sections were 13(A)(4) and 13(A)(5):

13. Personal Behavior.

(A) A customer may not:

(4) solicit money or a donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

(5) distribute literature or otherwise solicit customers on library property.

In February 2018, several petitioners were asked to leave Austin Public Library facilities and one individual was issued a Criminal Trespass Notice for petitioning on library grounds consistent with the Library Use Rules in effect at the time. The City rescinded the trespass notice and allowed petitioners to solicit signatures on library grounds in a manner that was not disruptive to library staff or patrons while potential changes to the Library Use Rules were under review.

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.

The Library Commission reviewed the free speech issue during public meetings of the commission held between March and October of 2018 and considered recommendations to Council on August 27, 2018 and October 22, 2018, both times recommending that the Austin City Council change existing rules to allow non-disruptive petitioning, distributing

information, non-disruptive picketing, and other First Amendment activities on library grounds.

The Austin Public Library worked closely with the City of Austin Law Department to determine what rule modifications could be made in order to allow for petitioning and other free speech activities to take place on library property. As a result of that review, section 13(A)(4) was proposed to be completely removed. Section 13(A)(5) was proposed to be revised as follows:

13. Personal Behavior.

(A) A customer may not:

(5) distribute literature or otherwise solicit customers inside library buildings or parking areas.

In addition, specific definitions were proposed to be included to provide clarification of the terms “parking areas” and “solicit”:

2. Definitions.

(B) In these rules:

(4) “parking area” means an area where vehicles are allowed to park such as parking garages, parking lots, or other areas identified for vehicle parking.

(6) “solicit” means to request by spoken, written, or printed word, or by other means of communication an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor’s purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

The proposed changes to the Library Use Rules were posted for public comment in compliance with the formal rule adoption process on August 9, 2019. The new Library Use Rules containing the revisions above were adopted on October 8, 2019, and have expanded the permissive use of certain areas of the outside grounds of all Austin Public Libraries for purposes of First Amendment activity.

If you should have any questions, please do not hesitate to contact me at 512-974-7444.

cc: Spencer Cronk, City Manager
Christopher Shorter, Assistant City Manager