



From: ulc-directors@lists.urbanlibraries.org [mailto:ulc-directors@lists.urbanlibraries.org] On Behalf Of Weeks, Roosevelt
Sent: Wednesday, March 07, 2018 12:24 PM
To: ulc-directors@lists.urbanlibraries.org
Subject: [ULC-Directors] Petitioning on library property

All –

We are being challenged on our policy that restrict petitioning (gathering signatures) or distributing non-library literature on library property. Please let me know if you have a similar policy restricting petitioning. Thanks in advance for your help.

Regards,

Roosevelt Weeks

Central Library | Director of Libraries

512-974-7444 | roosevelt.weeks@austintexas.gov



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<http://e.gi.mail-list.com/u?ln=ulc-directors&nm=roosevelt.weeks%40austintexas.gov>

==

Weeks, Roosevelt

From: Georgia Lomax <glomax@piercecounitylibrary.org>
Sent: Wednesday, March 7, 2018 6:49 PM
To: Weeks, Roosevelt; ulc-directors@lists.urbanlibraries.org
Subject: RE: [ULC-Directors] Petitioning on library property

Link to Pierce County Library's [policy](#).

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Georgla Lomax, Executive Director
Pierce County Library System
Direct: 253.548.3421
Petra McBride, Assistant: 253.548.3420
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http://cgi.mail-list.com/?ln=ulc-directors&nn_glonax%40piercecountylibrary.org

Weeks, Roosevelt

From: Johnson, Kimberly <Kim.Johnson@tulsalibrary.org>
Sent: Tuesday, March 20, 2018 12:28 PM
To: Weeks, Roosevelt
Subject: RE: [ULC-Directors] Petitioning on library property

Hello Roosevelt,

Here's our policy:

Individuals and/or organizations are prohibited from circulating petitions and soliciting business or funds in the library, or in the immediate area of the entrance to any library.

Essentially, we allow but we will not allow petitioners to be in the library or block our entrances. I can't find the email, but some years ago our attorney said we couldn't keep them from being on our property, but we can keep them from disrupting business.

I hope this helps.
Kim



Kimberly Johnson | Chief Executive Officer
(918) 549-7367 | Kim.Johnson@tulsalibrary.org
Tulsa City-County Library | Central Library
400 Civic Center | Tulsa, OK 74103
www.tulsalibrary.org | [Facebook](#) | [Twitter](#)

From: ulc-directors@lists.urbanlibraries.org [mailto:ulc-directors@lists.urbanlibraries.org] On Behalf Of Weeks, Roosevelt
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Weeks, Roosevelt

From: * Lauber, Dawn <Dlaube@milwaukee.gov>
Sent: Thursday, March 8, 2018 7:57 AM
To: Weeks, Roosevelt
Cc: Kiely, Paula
Subject: RE: [ULC-Directors] Petitioning on library property
Attachments: 1823_DistributionOfLiteratureOrObtainingpetitionsAtLibraryBuildings_lrs.doc

Dear Roosevelt,

As our Director has requested, I am sharing our full procedure in the attachment. Below is the pertinent clip from that procedure which covers petitions. These few sentences have served us very well for many years.

Distribution of Literature or Obtaining Petitions at Library Buildings

Active Distribution of Literature or Obtaining Signatures for Petitions

1. Literature, surveys or petitions are not to be distributed to people inside library facilities, but only on public sidewalks outside the library entrance.
2. Persons distributing literature or obtaining signatures for petitions must not interfere with due orderly entry to or departure from library buildings.

I'm happy to answer any questions you may have. Thank you.

Sincerely,

Dawn

Dawn Lauber | Public Services Area Manager-Branch Libraries | Milwaukee Public Library | 814 W. Wisconsin Ave.
Milwaukee WI 53233 | 414-286-3009 | dlaube@milwaukee.gov

VISION

MPL is an anchor institution that helps build healthy families and vibrant neighborhoods – the foundation of a strong Milwaukee.

MISSION

Inspiration starts here – we help people read, learn, and connect.

From: Kiely, Paula
Sent: Wednesday, March 07, 2018 5:22 PM
To: Lauber, Dawn
Subject: Fwd: [ULC-Directors] Petitioning on library property

Hi Dawn,

Please send our related policies to Roosevelt.

Thank you.

Paula

Sent from my iPhone

Begin forwarded message:

Resent-From: ulc-directors@lists.urbanlibraries.org
From: "Weeks, Roosevelt" <Roosevelt.Weeks@austintexas.gov>
Date: March 7, 2018 at 1:23:44 PM CST
To: ulc-directors@lists.urbanlibraries.org
Subject: [ULC-Directors] Petitioning on library property
Reply-To: Roosevelt.Weeks@austintexas.gov

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Petitioning and Electioneering

It is the policy of the St. Louis Public Library to prohibit all campaigning, petitioning, canvassing, interviewing, survey taking, distribution of materials, photography or videotaping, soliciting or sales in library buildings and on library property without written permission from library administration. (Appropriate Use of the Library Policy adopted by the Board of Directors June 26, 2000 and Revised September 10, 2007.)

Individuals and/or organizations requesting Library permission to petition must submit their requests in writing or by email to the Deputy Director. Requests must include the name of the organization/petitioner, the reason for petitioning, the locations, dates, and times petitioning is requested, and contact information for the individual submitting the request.

St. Louis Public Library allows the circulation of petitions outside its facilities as long as this activity does not interfere with the conduct of business or impede the free access of the public to Library buildings and resources. Specifically, individuals or organizations gathering petition signatures may stand on Library property, as long as they maintain a distance of 25 feet from entrances and/or exits, do not block or interfere with customers seeking to use the Library, or otherwise disrupt Library patrons or activities. Petitioners are not guaranteed the use of an area protected from sun, heat, or inclement weather. Signs promoting petitions may not be placed on doors or buildings and petitioners must in no way affiliate themselves with the Library, either through written publicity, signage, or verbal statements. Petitioners are required to register at the Library's Customer Service Desk prior to gathering signatures.

Petitioning inside Library buildings is prohibited. Petitioners refusing to comply with this policy will be asked to leave Library property.

Electioneering, including the distribution of election literature and the posting of signs, is permitted only on election days; however, any such activity is prohibited within 25 feet of polling places. (Missouri State Statute (RSMo § 115.637(18)). Noncompliance may result in a conviction for a class four election offense punishable by fine and/or imprisonment.



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Weeks, Roosevelt

From: Peter Bromberg <pbromberg@slcpl.org>
Sent: Wednesday, March 7, 2018 1:48 PM
To: Weeks, Roosevelt
Cc: ulc-directors@lists.urbanlibraries.org
Subject: Re: [ULC-Directors] Petitioning on library property

Hi Roosevelt, here is our policy (it's guided by City Ordinance):

MTG3 Petitions

The Salt Lake City Public Library recognizes citizens' fundamental right of political expression. As a politically neutral institution, the Library does not endorse or oppose the issues or views expressed through a petition drive.

Petitioning is not permitted inside Library buildings, including the Urban Room of the Main Library. The right to petition on Library grounds is granted through Salt Lake City Corporation's Special Events Office.

Individuals or groups wishing to petition on the grounds of any City Library must obtain a Free Expression Activity Permit from Salt Lake City Corporation's Special Events Office, 801-535-6110 or:

- http://www.slcgov.com/sites/default/files/documents/slcevents/2012/SE_FreeExpGuidelines%5B1%5D.pdf
- <http://www.slcgov.com/sites/default/files/documents/events/2016/FREX%20Instructions%202016.pdf>

Petitioners must fully comply with Salt Lake City Corporation's First Amendment Petition Guidelines.

Best, Peter

Peter Bromberg
Executive Director
Salt Lake City Public Library
210 East 400 South
Salt Lake City, Utah 84111
801-524-8201

Weeks, Roosevelt

From: Singleton, David <Dsingleton@cmlibrary.org>
Sent: Wednesday, March 7, 2018 2:01 PM
To: Weeks, Roosevelt
Subject: RE: [ULC-Directors] Petitioning on library property

Hi, Roosevelt. I hope you are enjoying Austin.

Petitioning is not allowed on library property; here are our library use guidelines:

<https://cmlibrary.org/library-use-guidelines>

Best,

--David

David W. Singleton
Director of Libraries
Charlotte Mecklenburg Library
310 N. Tryon St.
Charlotte, NC 28202
704-418-0612 office
704-418-0677 fax
dsingleton@cmlibrary.org
www.cmlibrary.org

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Weeks, Roosevelt

From: Vassallo, Anita <Anita.Vassallo@montgomerycountymd.gov>
Sent: Wednesday, March 7, 2018 1:32 PM
To: Weeks, Roosevelt; ulc-directors@lists.urbanlibraries.org
Subject: RE: [ULC-Directors] Petitioning on library property

I don't know if this is helpful, because we do in fact, allow petitioning on library grounds.

Petitioning or in-person distribution of literature

- Within the library buildings: Petitioning, solicitation, distribution of literature, or canvassing are not allowed in the libraries. Rare exceptions may be made for specific library or County projects only with the express approval of the Library Director.
- On library grounds: Groups or individuals may petition, solicit, canvas or distribute literature on library parking lots, sidewalks, or grounds, so long as they do not impede access to the building or interfere with its use through excessive noise or other disturbance.
- Fundraising for organizations other than the Friends of the Library and its affiliates is not permitted in library buildings or on library grounds.

Anita T Vassallo
Acting Director
Montgomery County Public Libraries
Administration
21 Maryland Avenue, Suite 310
Rockville, MD 20850
240.777.0012 (w) 240-328-2217 (m)
240-777.0008 (fx)
www.montgomerycountymd.gov

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SUBJECT: PETITIONING

EFFECTIVE: MARCH 1, 2018

SUPERSEDES: 5/2015

1. PURPOSE:

- A. The Tampa-Hillsborough County Public Library (THPL) allows petitioning and canvassing on library property in support of its mission of promoting an informed citizenry by providing a forum for citizens to address community needs and respond to community growth and change.

2. POLICY:

- A. Petitioning, canvassing, and similar types of citizen initiatives designed to contact, survey, gather signatures, share information, and or/inform citizens about various topics are only allowed within a designated area outside the library building. No petitioning, canvassing, or similar types of citizen initiatives are allowed inside the library building. No solicitation or fundraising is permitted.
- B. The space for petitioning, or similar citizen initiatives, shall be designated by the Library Regional Manager, or designee. Requests are handled on a first-come, first-served basis, and must not impede access to the building. Organizations, groups, or individuals shall be refused space if the designated areas meeting the location requirements above have been filled.
- C. Petitioners must provide contact information for themselves and for the group for which they are working for emergency, safety, and liability purposes.
- D. Organizations, groups, or individuals are responsible for bringing their own equipment and furniture.
- E. Signs and posters cannot be affixed to the building.
- F. Sound amplification and/or other equipment cannot be used.
- G. The organization, group, or individual petitioning or conducting similar citizen initiatives is responsible for the information presented. Permission to use THPL property does not imply that THPL or Hillsborough County endorses the purposes, policies, or contents of the organization, group, or individual.
- H. Petitioners must not impede or interfere with customers' access to library facilities and are subject to the Library's Code of Conduct, LS502.

3. PROCEDURE:

- A. When an organization, group, or individual sets up to petition or perform a similar action on library property, the Branch Supervisor:
 - 1) Determines whether or not the activity remains in compliance with the above THPL Petitioning Policy.

- 2) Notifies their Library Regional Manager of the contact information of the organization, group, or individual utilizing the library property.
- B. The Library reserves the right to refuse individuals, groups, or organizations space for petitioning. Refusal can be based upon, but is not limited to: 1) disruption of normal library business operations such as obstructing entrance and exit of library facilities; 2) conducting petitioning outside of normal business hours. Refusal cannot be of an arbitrary or capricious nature in accordance with this policy. Individuals, groups, or organizations may ask for reconsideration of a denial by taking the following steps:
 - 1) The individual, group, or organization should first seek resolution from the branch or department supervisor.
 - 2) If unsatisfied with the response of the branch or department supervisor, the individual, group, or organization may complete and send an Appeal for Use of Library Petitioning Space form to the Director of Libraries requesting review of petitioning space denial. The form must be received no later than 15 days after the initial complaint to the branch or department supervisor.
 - 3) The Library Director or designee appoints a panel of three Managers to review the petitioning space denial and address the party's complaint. The panel reviews the appeal form request and any relevant policies and informs the party in writing of its decision within fifteen days of receipt of the group/organization's complaint.
 - 4) Within seven days of receipt of the review panel's decision, the party may send a letter to the Director of Libraries asking for rescission of the denial and the reasons for the requested rescission. The Director has seven days to review the panel's decision and respond to the group/organization in writing.
 - 5) Within seven days of receipt of the Director's decision, the party may send a letter to the Tampa-Hillsborough County Public Library Board requesting review of the denial. The Library Board reviews the decision at their next regularly scheduled Board meeting and informs the party of their decision in writing. The decision of the Library Board is final.

4. AUTHORITY:

Pursuant to Section 5 of Chapter 84-443, Laws of Florida, the Public Library Board (the Library Board) has the duty and the responsibility, among others, to serve in a recommending capacity to the Director of Library Services and to the County Administrator in respect to all matters pertaining to the Public Library System of Hillsborough County (the Library System) and library services.

Approved:

Andrew Breidenbaugh, Director

LS Policies and Procedures Manual
Subject: Petitioning

Weeks, Roosevelt

From: Weeks, Roosevelt
Sent: Wednesday, March 7, 2018 7:02 PM
To: 'Georgia Lomax'
Subject: RE: [ULC-Directors] Petitioning on library property

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McBee, Dana

From: Weeks, Roosevelt
Sent: Monday, February 19, 2018 12:46 PM
To: Library - Executive Team; Inabnitt, Dave
Subject: FW: Cease and Desist Warning Issued to City of Austin -- Petitioning on public property (Austin Public Library property) is legally protected free speech

From: Pool, Leslie
Sent: Monday, February 19, 2018 12:26 PM
To: Linda Curtis [REDACTED]; Morgan, Anne <Anne.Morgan@austintexas.gov>; Cronk, Spencer <Spencer.Cronk@austintexas.gov>; Weeks, Roosevelt <Roosevelt.Weeks@austintexas.gov>
Cc: Bill Aleshire [REDACTED] Bill SOS Alliance [REDACTED] Fred Fred Lewis [REDACTED] Smith, Amy <Amy.Smith@austintexas.gov>
Subject: Re: Cease and Desist Warning Issued to City of Austin -- Petitioning on public property (Austin Public Library property) is legally protected free speech

Linda, thanks for copying me, along with the entire Council, on your message protesting how volunteer petition-gatherers were treated at the City's libraries. The North Village Library is in District 7.

What happened to volunteer petitioners outside the libraries is of real concern to me, given that the Austin City Charter protects residents' right to initiative and referendum. I understand, too, that no one complained about the volunteers and, in the North Village incident, the volunteers had first gone inside to advise the library manager that they would be outside and were told that they could not petition outside the library, and so they were prevented from doing so.

The "Herfurth Memo" purports to give advance direction to city library staff with regard to the IndyAustin petitioners. I'm curious how this directive actually applies since by all reports the petitioners were not inside the libraries, were not using a meeting room (although it appears that if they had reserved a meeting room then gathering signatures would be in accord with the rules and thus allowed), were not disruptive, and were not disrupting library activity. And again, at least in the North Village incident, the volunteers were prevented from petitioning.

With this message, copied to the City Attorney and City Manager, I am requesting that staff keep me apprised of discussions and actions taken to resolve this matter.

I hope that this matter is rectified and resolved in short order.

Regards,

Leslie

Leslie Pool
Council Member, District 7
Austin City Council
512.978.2107

From: Linda Curtis [REDACTED]
Sent: Monday, February 19, 2018 10:39:03 AM
To: Adler, Steve; Garza, Delia; Renteria, Sabino; Casar, Gregorio; Kitchen, Ann; Flannigan, Jimmy; Troxclair, Ellen; Pool,

Leslie; Tovo, Kathie; allison.alter@austintexas.gov; Houston, Ora; Morgan, Anne; Cronk, Spencer
Cc: Bill Aleshire; Bill SOS Alliance; Fred Fred Lewis
Subject: Cease and Desist Warning Issued to City of Austin -- Petitioning on public property (Austin Public Library property) is legally protected free speech

Dear Mayor, City Council Members and City Management:

I am sending this letter to you on behalf of IndyAustin SPAC, signed by attorneys Bill Aleshire, Bill Bunch and Fred Lewis.

Please feel free to reach Bill Aleshire who represents IndyAustin.

Thank you.

Linda Curtis

IndyAustin.org



Let Austin Decide! | Indy Austin

indyaustin.org

PO Box 41479
Austin, TX 78704
512-535-0989 office
512-657-2089 cell

IndyAustin SPAC

PO Box 41479, Austin, Texas 78704
512.535.0989 # IndyAustin.org



Let Austin Decide! | Indy Austin

indyaustin.org

Dear Mayor Adler, City Council Member Pro-Tem Tovo, City Council Members Alter, Casar, Flannigan, Garza, Houston, Kitchen, Pool, Renteria and Troxclair, City Manager Cronk and City Attorney Morgan:

On Saturday, February 17, petitioners for holding a public vote on CodeNEXT were stopped from petitioning on city owned public property, specifically at a number of Austin Public Library locations. Library Managers told these petitioners to leave the property based on a directive from Library Management. In no case did individual library managers cite any complaints from library users. In one case, a petitioner was threatened with criminal trespass and issued a warning notice by police. These petitioners include Bill Bunch (Twin Oaks Library), Jeff Jack (Twin Oaks Library),

Scott Royder (Spicewood Library), Mark Leszkierwicz and Hannah Young (Manchaca Library), Debbie Russell (Hampton Library) and Saira and Doug Morgan (N. Village Library).

All library managers were polite and several even expressed embarrassment about what they were directed to do – to eject obviously concerned citizens who were simply expressing their right to free speech on public property.

We believe the City's interference in petitioning for an initiative for adoption of a City ordinance—regardless of the content of the proposed ordinance—is without legal authority and violates petitioners' rights under the First Amendment, the Texas Constitution, and City law.

On Thursday, February 15th, IndyAustin petition manager, Linda Curtis, made a courtesy call to Laura Pollo, Assistant to Mr. Roosevelt Weeks, Director of the Austin Public Libraries. At that time, Ms. Pollo thanked Curtis and thought there would be no problem. Curtis mentioned on this call that petitioners had, in fact, been petitioning for months at the Austin Central Library without any problem or incident. Pollo agreed.

At approximately 12:00 pm, Friday, February 16, Ms. Curtis received a call from Dana McBee who said petitioners could not be on any library property. McBee promised that a communication to Ms. Curtis and Fred Lewis, citing the ordinance or rules governing this would be shared from Ms. Herfurth's office. No such notice came to either Curtis or Lewis.

Attached is an email dated February 16th from Sharon Herfurth, the Division Manager of the City of Austin Office of Programs & Partnerships. The Herfurth memo was not forwarded to IndyAustin until after the first petitioners being ejected – Saira and Doug Morgan – from the N. Village Library. It was forwarded to Ms. Curtis, with Herfurth's permission, by N. Village manager Michael Abramov.

Attorney Bill Aleshire represents IndyAustin—one of the groups petitioning on CodeNEXT. On Saturday, February 17, Aleshire, after reading the Herfurth memo sent this note to City Attorney Anne Morgan:

I heard about this issue this morning and wanted to contact you right away. The attached email was sent to library staff to stop my client IndyAustin from gathering signatures on their petition regarding CodeNEXT. Frankly, the wording and link in this email from Austin staff appears to indicate a content-based enforcement, targeting these particular petitioners for this particular issue, away from library patrons today. Linda Curtis, Bill Bunch, Jeff Jack, and other volunteers are at libraries, without disrupting any traffic at the entrances or operation of the libraries inviting people to sign the petition. Of note, they are getting a very enthusiastic response from people who like to read and go to libraries. The library customers are not only not complaining, they seem to appreciate the opportunity to sign the petition...

Also in the email, Aleshire made reference to the City Charter initiative provision, Article IV, section 1:

§ 1. - POWER OF INITIATIVE.

The people of the city reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance, not in conflict with this Charter, the state constitution, or the state laws except an ordinance appropriating money or authorizing the levy of taxes..

We contend that based on the people's reservation in the Charter of their right to initiative petitioning, the Council and the City Manager lack authority, by ordinance or administrative rule, to interfere in petitioning anywhere unless the petitioning interferes in government operation or causes a threat to public safety. In other words, unlike other forms of free speech the Council may be able to restrict to reasonable "free speech zones," petitioning for an initiative is an exception—a power reserved by the people of Austin—that the City Council and staff have no authority under the Charter to interfere with. Interfering in the people's right of petition is not a good way for the new City Manager to get off on the right foot with the public.

We request the city to cease and desist immediately to avoid further legal conflict and further violation of the rights of Austin citizens exercising their right to petition on public property. Petitioners, in all cases, were not in any way interfering with city business, soliciting business or funding from any person, nor distributing literature or interfering with the use and enjoyment of our city libraries. They stood away from entrances and were polite at all times. Even the City's official administrative rule recognizes that sidewalks are a "traditional public forum." Yet, the petitioners were threatened and told to leave even the sidewalk area by the libraries.

Petitioning at city libraries in a way that does not interfere with any other person's enjoyment of such property is not a criminal offense. Yet, these petitioners were removed from the area outside libraries because of what they were doing—petitioning.

We therefore ask that the City Manager and City Attorney take immediate steps to assure that no other petitioners are cited or threatened with citation and that any warning citation issued on Saturday, February 17 be withdrawn in writing.

Signed,

Bill Aleshire, 512.750.5854
Bill Bunch, 512.477.2320
Fred Lewis, 512.636.1389

PS Upon your request, Petitioners will share with you the specifics from each library incident, including pictures of where petitioners were standing away from entrances.

cc: Austin media

McBee, Dana

From: Requejo, St. John
Sent: Tuesday, February 20, 2018 9:16 AM
To: Miller, Mike; Weeks, Roosevelt
Cc: Bramblett, Anne; McBee, Dana; Johnson, Emi
Subject: RE: Cease and Desist Warning Issued to City of Austin -- Petitioning on public property (Austin Public Library property) is legally protected free speech

They were not at John Henry Faulk either. The only reports I received were from Twin Oaks, Oak Hill and Spicewood Springs locations.

St.john

From: Miller, Mike
Sent: Tuesday, February 20, 2018 9:13 AM
To: Weeks, Roosevelt; Requejo, St. John
Cc: Bramblett, Anne; McBee, Dana; Johnson, Emi
Subject: RE: Cease and Desist Warning Issued to City of Austin -- Petitioning on public property (Austin Public Library property) is legally protected free speech

I just checked with my folks who worked on Saturday and they did not see anyone from Indy Austin.

-mike

From: Weeks, Roosevelt
Sent: Tuesday, February 20, 2018 9:04 AM
To: Requejo, St. John <St.John.Requejo@austintexas.gov>; Miller, Mike <Mike.Miller@austintexas.gov>
Cc: Bramblett, Anne <Anne.Bramblett@austintexas.gov>; McBee, Dana <Dana.McBee@austintexas.gov>; Johnson, Emi <Emi.Johnson@austintexas.gov>
Subject: RE: Cease and Desist Warning Issued to City of Austin -- Petitioning on public property (Austin Public Library property) is legally protected free speech

Did we have IndyAustin at Faulk/History Center on Saturday?

Regards,

Roosevelt Weeks

Central Library | Director of Libraries
512-974-7444 | roosevelt.weeks@austintexas.gov



From: Requejo, St. John
Sent: Tuesday, February 20, 2018 9:03 AM
To: Weeks, Roosevelt <Roosevelt.Weeks@austintexas.gov>; Miller, Mike <Mike.Miller@austintexas.gov>

Cc: Bramblett, Anne <Anne.Bramblett@austintexas.gov>; McBee, Dana <Dana.McBee@austintexas.gov>; Johnson, Emi <Emi.Johnson@austintexas.gov>
Subject: RE: Cease and Desist Warning Issued to City of Austin --Petitioning on public property (Austin Public Library property) is legally protected free speech

This is the information I have on the ballot measures.

**Thank you,
St. John**

From: Ochiltree, Alta
Sent: Monday, September 24, 2012 11:09 AM
To: Directors/Exec. Secretaries
Cc: Ott, Marc; Edwards, Sue; Snipes, Anthony; Goode, Robert; Lumbreras, Bert; Baray, Ray
Subject: Memo Regarding Use of City Facilities to Campaign for Ballot Measures



MEMORANDUM

TO: Department Directors
FROM: Michael McDonald, Deputy City Manager
DATE: September 19, 2012
SUBJECT: Use of City Facilities to Campaign for Ballot Measures

This is after the fact concerning gathering signatures because the 10-1 petitions were filed with the City Clerk June 28, 2012.

We have received several questions recently about the use of City facilities by non-City employees to advocate for specific measures on the upcoming November election ballot. You should recall the briefing on this topic we received from the Law Department at the September 4 Department Director's Meeting. This memorandum is to confirm the City's policy on the use of City facilities, and to provide direction for how I want all City Departments to handle any issues on this topic that may arise in the future.

1. Our Policy

To confirm what I hope was understood by everyone during our September 4 discussion, the facilities the City owns or controls for conducting City business or providing City services may not be used for purposes unrelated to the City business or services for which those facilities exist. With the exception of some parts of the City Hall complex, the City does not permit political activities such as campaigning for or against candidates or ballot measures, leafleting, collecting signatures on petitions, demonstrating, soliciting contributions, and similar activities to take place at City facilities. These restrictions apply to all areas of a City facility, including the facility's interior, its exterior grounds, its entryways and lobbies, public reception areas, elevators, parking lots and garages, and walkways located on the property. The sidewalks adjacent to public streets around a City facility are not part of the facility, and these restrictions do not apply to those sidewalk areas.

Note that these restrictions apply equally to both City employees and members of the public. Thus, neither City employees nor the public may engage in activities at a City facility that are unrelated to the City business or services for which that facility exists, including the type of political activities described above. In addition, all City employees are specifically restricted by state law from using City facilities or resources for political activity. Thus, employees cannot hold or attend meetings at City facilities or on City time to advocate for or against any of the measures on the November ballot, or distribute materials at a City facility advocating for or against any of the ballot measures or candidates for office. City employees can most certainly engage in the political process on their own time and outside City facilities, but cannot use City time or resources for that purpose.

2. Administering This Policy Stresses that enforcement will be content-neutral

Our expectation is that all Departments will manage any issues arising under this policy in an absolutely content-neutral manner. That is, you will follow our policy fairly and consistently regardless of whether you approve or disapprove of the particular political activity in question.

While our employees should already be aware that they are restricted from engaging in political activities while on City time or on City premises, your managers should ensure that the employees in your Department follow these rules just like all other applicable workplace standards. If employees are engaging in political advocacy during work time or at City facilities, managers should address the issue as you would any other conduct issue with appropriate counseling and follow up.

With respect to political campaigning activities by non-employees, Department Directors should work with our Building Services Officer, Eric Stockton, to administer this policy in a fair and consistent manner across the City. Managers who become aware of such activities by non-employees in your work areas should ascertain the name of the individual(s) and ask the individual(s) to leave the facility immediately. Your approach should be to address the improper activity directly, but also in a professional and reasonable manner without unnecessary escalation. If the individual(s) refuse to comply with your direction, then contact your building security personnel, who will handle the situation. If your managers observe violations of this policy in a common area of your facility they should immediately notify the building manager for your facility, who will handle the situation. In addition, all managers will report all instances of a non-employee in violation of this policy at your facility to Building Services Officer, Erick Stockton and the Office of Deputy City Manager McDonald immediately.

Please let me know of any questions or concerns you have about this information or about your role in administering the City's policy going forward.

cc. Marc Ott, City Manager
 Assistant City Managers
 Chief of Staff

From: Weeks, Roosevelt
Sent: Monday, February 19, 2018 2:25 PM
To: Miller, Mike; Requejo, St. John
Cc: Bramblett, Anne; McBee, Dana; Johnson, Emi
Subject: FW: Cease and Desist Warning Issued to City of Austin -- Petitioning on public property (Austin Public Library property) is legally protected free speech
Importance: High

Mike/St. John –

Please provide me with any information you have on this. Thanks.

Regards,

Roosevelt Weeks

Central Library | Director of Libraries

512-974-7444 | roosevelt.weeks@austintexas.gov



From: Bill Aleshire [REDACTED]
Sent: Monday, February 19, 2018 1:56 PM
To: Weeks, Roosevelt <Roosevelt.Weeks@austintexas.gov>; Linda Curtis [REDACTED]; Pool, Leslie <Leslie.Pool@austintexas.gov>
Cc: Morgan, Anne <Anne.Morgan@austintexas.gov>; Cronk, Spencer <Spencer.Cronk@austintexas.gov>; Bill SOS Alliance [REDACTED]; Fred Fred Lewis [REDACTED]; Smith, Amy <Amy.Smith@austintexas.gov>; Hensley, Sara <Sara.Hensley@austintexas.gov>; Thompson, Lucy <Lucy.Thompson@austintexas.gov>
Subject: RE: Cease and Desist Warning Issued to City of Austin -- Petitioning on public property (Austin Public Library property) is legally protected free speech

Thank you for letting us know. As I understand it, the petitioners at the Main Library, for example, were required to move away from the sidewalk on Guadalupe Street (where the front door, and people are) to the sidewalk on the south side (8th Street) where there are no people. Thus, any real opportunity to offer the petition to people to sign outside the library was thwarted.

Bill Aleshire

AleshireLA W PC
700 Lavaca, Suite 1400
Austin, Texas 78701
512 320-9155 phone
512 750-5854 cell
512 320-9156 fax
[REDACTED]

From: Weeks, Roosevelt [<mailto:Roosevelt.Weeks@austintexas.gov>]
Sent: Monday, February 19, 2018 1:45 PM
To: Linda Curtis [REDACTED]; Pool, Leslie <Leslie.Pool@austintexas.gov>
Cc: Morgan, Anne <Anne.Morgan@austintexas.gov>; Cronk, Spencer <Spencer.Cronk@austintexas.gov>; Bill Aleshire [REDACTED]; Bill SOS Alliance [REDACTED]; Fred Fred Lewis [REDACTED]; Smith, Amy <Amy.Smith@austintexas.gov>; Hensley, Sara <Sara.Hensley@austintexas.gov>; Thompson, Lucy <Lucy.Thompson@austintexas.gov>
Subject: RE: Cease and Desist Warning Issued to City of Austin -- Petitioning on public property (Austin Public Library property) is legally protected free speech

All--

I am in the process of getting information from my team and will provide input once I get that information.

The memo that was sent out by Sharon Herfurth was done so staff members understood our policy on petitioning at our library. As long as those policies are not violated, we will not stand against the rights of those to petition our customers.

I will provide update by the end of business today.

Regards,

Roosevelt Weeks

Central Library | Director of Libraries

512-974-7444 | roosevelt.weeks@austintexas.gov



From: Linda Curtis [REDACTED]

Sent: Monday, February 19, 2018 12:34 PM

To: Pool, Leslie <Leslie.Pool@austintexas.gov>

Cc: Morgan, Anne <Anne.Morgan@austintexas.gov>; Cronk, Spencer <Spencer.Cronk@austintexas.gov>; Weeks, Roosevelt <Roosevelt.Weeks@austintexas.gov>; Bill Aleshire [REDACTED]; Bill SOS Alliance

[REDACTED] Fred Fred Lewis [REDACTED]; Smith, Amy <Amy.Smith@austintexas.gov>

Subject: Re: Cease and Desist Warning Issued to City of Austin -- Petitioning on public property (Austin Public Library property) is legally protected free speech

Thank you, Council member. We very much appreciate your prompt response to this.

We hope to hear very soon from management.

We're at a critical juncture in this petition drive and I hope the city management gets the point — that they should stand back and let citizens exercise their rights.

The current City Attorney and Manager may not know that Federal Judge Sam Sparks issued a stinging order to the City of Austin for its interference in a 1997 petition drive.

Thanks again.

Linda Curtis

IndyAustin.org

PO Box 41479

Austin, TX 78704

512-535-0989 office

512-657-2089 cell

On Feb 19, 2018, at 12:26 PM, Pool, Leslie <Leslie.Pool@austintexas.gov> wrote:

Linda, thanks for copying me, along with the entire Council, on your message protesting how volunteer petition-gatherers were treated at the City's libraries. The North Village Library is in District 7.

What happened to volunteer petitioners outside the libraries is of real concern to me, given that the Austin City Charter protects residents' right to initiative and referendum. I understand, too, that no one

complained about the volunteers and, in the North Village incident, the volunteers had first gone inside to advise the library manager that they would be outside and were told that they could not petition outside the library, and so they were prevented from doing so.

The "Herfurth Memo" purports to give advance direction to city library staff with regard to the IndyAustin petitioners. I'm curious how this directive actually applies since by all reports the petitioners were not inside the libraries, were not using a meeting room (although it appears that if they had reserved a meeting room then gathering signatures would be in accord with the rules and thus allowed), were not disruptive, and were not disrupting library activity. And again, at least in the North Village incident, the volunteers were prevented from petitioning.

With this message, copied to the City Attorney and City Manager, I am requesting that staff keep me apprised of discussions and actions taken to resolve this matter.

I hope that this matter is rectified and resolved in short order.

Regards,

Leslie

Leslie Pool
Council Member, District 7
Austin City Council
512.978.2107

From: Linda Curtis [REDACTED]
Sent: Monday, February 19, 2018 10:39:03 AM
To: Adler, Steve; Garza, Delia; Renteria, Sabino; Casar, Gregorio; Kitchen, Ann; Flannigan, Jimmy; Troxclair, Ellen; Pool, Leslie; Tovo, Kathie; allison.alter@austintexas.gov; Houston, Ora; Morgan, Anne; Cronk, Spencer
Cc: Bill Aleshire; Bill SOS Alliance; Fred Fred Lewis
Subject: Cease and Desist Warning Issued to City of Austin -- Petitioning on public property (Austin Public Library property) is legally protected free speech

Dear Mayor, City Council Members and City Management:

I am sending this letter to you on behalf of IndyAustin SPAC, signed by attorneys Bill Aleshire, Bill Bunch and Fred Lewis.

Please feel free to reach Bill Aleshire who represents IndyAustin.

Thank you.

Linda Curtis
IndyAustin.org



Let Austin Decide! | Indy Austin

indyaustin.org

PO Box 41479
Austin, TX 78704
512-535-0989 office
512-657-2089 cell

IndyAustin SPAC

PO Box 41479, Austin, Texas 78704
512.535.0989 • IndyAustin.org



Let Austin Decide! | Indy Austin

indyaustin.org

Dear Mayor Adler, City Council Member Pro-Tem Tovo, City Council Members Alter, Casar, Flannigan, Garza, Houston, Kitchen, Pool, Renteria and Troxclair, City Manager Cronk and City Attorney Morgan:

On Saturday, February 17, petitioners for holding a public vote on CodeNEXT were stopped from petitioning on city owned public property, specifically at a number of Austin Public Library locations. Library Managers told these petitioners to leave the property based on a directive from Library Management. In no case did individual library Managers cite any complaints from library users. In one case, a petitioner was threatened with criminal trespass and issued a warning notice by police. These petitioners include Bill Bunch (Twin Oaks Library), Jeff Jack (Twin Oaks Library), Scott Royder (Spicewood Library), Mark Leszkierwicz and Hannah Young (Manchaca Library), Debbie Russell (Hampton Library) and Saira and Doug Morgan (N. Village Library).

All library managers were polite and several even expressed embarrassment about what they were directed to do – to eject obviously concerned citizens who were simply expressing their right to free speech on public property.

We believe the City's interference in petitioning for an initiative for adoption of a City ordinance—regardless of the content of the proposed ordinance—is without legal authority and violates petitioners' rights under the First Amendment, the Texas Constitution, and City law.

On Thursday, February 15th, IndyAustin petition manager, Linda Curtis, made a courtesy call to Laura Pollo, Assistant to Mr. Roosevelt Weeks, Director of the Austin Public Libraries. At that time, Ms. Pollo thanked Curtis and thought there would be no problem. Curtis mentioned on this call that petitioners had, in fact, been petitioning for months at the Austin Central Library without any problem or incident. Pollo agreed.

Bill Aleshire is saying that Linda Curtis called Laura Pollo, assistant to Roosevelt Weeks, and that Pollo agreed that there had been no problem with petitioners in recent months.

At approximately 12:00 pm, Friday, February 16, Ms. Curtis received a call from Dana McBee who said petitioners could not be on any library property. McBee promised that a communication to Ms. Curtis and Fred Lewis, citing the ordinance or rules governing this would be shared from Ms. Herfurth's office. No such notice came to either Curtis or Lewis.

Attached is an email dated February 16th from Sharon Herfurth, the Division Manager of the City of Austin Office of Programs & Partnerships. The Herfurth memo was not forwarded to IndyAustin until after the first petitioners being ejected - Saira and Doug Morgan - from the N. Village Library. It was forwarded to Ms. Curtis, with Herfurth's permission, by N. Village manager Michael Abramov.

Attorney Bill Aleshire represents IndyAustin - One of the groups petitioning on CodeNEXT. On Saturday, February 17, Aleshire, after reading the Herfurth memo sent this note to City Attorney Anne Morgan:

I heard about this issue this morning and wanted to contact you right away. The attached email was sent to library staff to stop my client IndyAustin from gathering signatures on their petition regarding CodeNEXT. Frankly, the wording and link in this email from Austin staff appears to indicate a content-based enforcement, targeting these particular petitioners for this particular issue, away from library patrons today. Linda Curtis, Bill Bunch, Jeff Jock, and other volunteers are at libraries, without disrupting any traffic at the entrances or operation of the libraries inviting people to sign the petition. Of note, they are getting a very enthusiastic response from people who like to read and go to libraries. The library customers are not only not complaining, they seem to appreciate the opportunity to sign the petition....

Also in the email, Aleshire made reference to the City Charter initiative provision, Article IV, section 1:

§ 1. - POWER OF INITIATIVE.

The people of the city reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance, not in conflict with this Charter, the state constitution, or the state laws except an ordinance appropriating money or authorizing the levy of taxes...

We contend that based on the people's reservation in the Charter of their right to initiative petitioning, the Council and the City Manager lack authority, by ordinance or administrative rule, to interfere in petitioning *anywhere* unless the petitioning interferes in government operation or causes a threat to public safety. In other words, unlike other forms of free speech the Council may be able to restrict to reasonable "free-speech zones," petitioning for an initiative is an exception—a power reserved by the people of Austin—that the City Council and staff have no authority under the Charter to interfere with. Interfering in the people's right of petition is not a good way for the new City Manager to get off on the right foot with the public.

We request the city to cease and desist immediately to avoid further legal conflict and further violation of the rights of Austin citizens exercising their right to petition on public property. Petitioners, mailcases, were not in any way interfering with city business, soliciting business or funding from any person, nor distributing literature or interfering with the use and enjoyment of our city libraries. They stood away from entrances and were polite at all times. Even the City's official administrative rule recognizes that sidewalks are a "traditional public forum." Yet, the petitioners were threatened and told to leave even the sidewalk area by the libraries.

Petitioning at city libraries in a way that does not interfere with any other person's enjoyment of such property is not a criminal offense. Yet, these petitioners were removed from the area outside libraries because of what they were doing—petitioning.

We therefore ask that the City Manager and City Attorney take immediate steps to assure that no other petitioners are cited or threatened with citation and that any warning citation issued on Saturday, February 17 be withdrawn in writing.

Signed,

Bill Aleshire, 512.750-5854
Bill Bunch, 512.477.2320
Fred Lewis, 512.636.1389

PS Upon your request, Petitioners will share with you the specifics from each library incident, including pictures of where petitioners were standing away from entrances.

cc: Austin media

<2-16-18 Herfurth Email about IndyAustin.docx>

Weeks, Roosevelt

From: Abramov, Michael
Sent: Saturday, February 17, 2018 12:40 PM
To: Herfurth, Sharon
Cc: Fowler, Patti; Inabnitt, Dave; McBee, Dana; Bramblett, Anne; Polio, Laura; Weeks, Roosevelt; Requejo, St. John; Gillum, John
Subject: RE: Petitioning on Library Property - Update
Importance: High

Sharon,

I thought to follow up on IndyAustin's petitioning attempt at the North Village Branch at 2505 Steck Avenue around 12 Noon on Saturday, February 17, 2018.

I did speak with Sarah Morgan, a volunteer for IndyAustin, and Linda Curtis over Ms. Morgan's phone, on speakerphone, in the manager's office. I kept with what was written and pertaining to your e-mail message from February 16 (see below).

About ten to 15 minutes after the conversation, I thought it best to walk the grounds. IndyAustin was not present on the property to my knowledge. I did not see a petitioning drive inside the library, outside on the grounds, nor on the adjacent sidewalk. My only conclusion is that after speaking with me, IndyAustin (i.e. Linda Curtis) made their point and the volunteer departed.

Ms. Curtis did threaten legal action in the coming week.

I made sure that this went up through my chain of command and felt Mr. Weeks should be aware of these actions promptly.

Michael Abramov
North Village Branch | Managing Librarian
2505 Steck Ave., Austin, TX 78757
512-974-9955 | <mailto:michael.abramov@austintexas.gov>



From: Abramov, Michael
Sent: Saturday, February 17, 2018 12:20 PM
To: Herfurth, Sharon <Sharon.Herfurth@austintexas.gov>
Cc: Fowler, Patti <Patti.Fowler@austintexas.gov>; Inabnitt, Dave <Dave.Inabnitt@austintexas.gov>; McBee, Dana <Dana.McBee@austintexas.gov>; Bramblett, Anne <Anne.ramblett@austintexas.gov>
Subject: FW: Petitioning on Library Property
Importance: High

Sharon,

I called back and confirmed with Linda Curtis that she indeed received this e-mail concerning petitioning on Austin Public Library property.

I also relayed what you just mentioned over the phone that the petitions at New Central Library were being conducted on the Cesar Chavez side of the property. Ms. Curtis corrected me and said they did comply but were in foot traffic.

At the close of the conversation, Ms. Curtis mentioned she will be going to court next week.

Again, Ms. Curtis's contact information is [REDACTED] or 512-657-2089.

Thank you,
Michael

Michael Abramov
North Village Branch | Managing Librarian
2505 Steck Ave., Austin, TX 78757
512-974-9955 | <mailto:michael.abramov@austintexas.gov>



From: Abramov, Michael
Sent: Saturday, February 17, 2018 12:15 PM
To: 'contact@indyaustin.org' <contact@indyaustin.org>
Cc: Herfurth, Sharon <Sharon.Herfurth@austintexas.gov>
Subject: FW: Petitioning on Library Property

FYI.

From: Herfurth, Sharon
Sent: Friday, February 16, 2018 12:27 PM
To: Library <Library@austintexas.gov>
Subject: Petitioning on Library Property

Dear Staff,

Several of you have been contacted by an organization called IndyAUSTIN about being present on Saturday at your locations to collect signatures on a petition to force an election on CodeNEXT.

<https://indyaustin.org/event/library-day-rain-date-march-3/>

I have shared the following information with the organizers and am sharing it with you in case you get questions.

IndyAUSTIN is welcome to be stationed beyond Library property boundaries, just not inside the Library or in the Library parking lot.

Here is some pertinent information from the Library Use Rules as stated on the Austin Public Library website: <http://library.austintexas.gov/about-library/rules>

3. Not a Public Forum. Except for the limited purpose of accessing information, the library is not a public forum.

(7) A meeting room may not be used for a political rally or a campaign for or against a specific ballot issue or candidate. However, a meeting room may be used for a forum or study group on a political issue.

(3) "library" means any building or facility of the Austin Public Library, including the entrance ways and adjacent lawns, landscaping, and parking areas.

(A) A customer may not:

(1) unreasonably disrupt the normal use of library services or property by the library staff or other customers

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

I hope this helps clarify.

Best,
Sharon

Sharon Herfurth
Office of Programs & Partnerships | Division Manager
512-974-7420 | sharon.herfurth@austintexas.gov



AUSTIN
PUBLIC
LIBRARY



McBee, Dana

From: Bramblett, Anne
Sent: Thursday, February 22, 2018 4:21 PM
To: McBee, Dana
Subject: FW: Petitioning on Library Property

Importance: High

Anne Bramblett
Central Library | Assistant Director of Public Services
512-974-7466 | anne.bramblett@austintexas.gov



From: Abramov, Michael
Sent: Saturday, February 17, 2018 12:20 PM
To: Herfurth, Sharon <Sharon.Herfurth@austintexas.gov>
Cc: Fowler, Patti <Patti.Fowler@austintexas.gov>; Inabnitt, Dave <Dave.Inabnitt@austintexas.gov>; McBee, Dana <Dana.McBee@austintexas.gov>; Bramblett, Anne <Anne.Bramblett@austintexas.gov>
Subject: FW: Petitioning on Library Property
Importance: High

Sharon,

I called back and confirmed with Linda Curtis that she indeed received this e-mail concerning petitioning on Austin Public Library property.

I also relayed what you just mentioned over the phone that the petitions at New Central Library were being conducted on the Cesar Chavez side of the property. Ms. Curtis corrected me and said they did comply but were in foot traffic.

At the close of the conversation, Ms. Curtis mentioned she will be going to court next week.

Again, Ms. Curtis's contact information is [REDACTED] or 512-657-2089.

Thank you,
Michael

Michael Abramov
North Village Branch | Managing Librarian
2505 Steck Ave., Austin, TX 78757
512-974-9955 | <mailto:michael.abramov@austintexas.gov>



From: Abramov, Michael
Sent: Saturday, February 17, 2018 12:15 PM
To: 'contact@indyaustin.org' <contact@indyaustin.org>
Cc: Herfurth, Sharon <Sharon.Herfurth@austintexas.gov>
Subject: FW: Petitioning on Library Property

FYI.

From: Herfurth, Sharon
Sent: Friday, February 16, 2018 12:27 PM
To: Library <Library@austintexas.gov>
Subject: Petitioning on Library Property

Dear Staff,

Several of you have been contacted by an organization called IndyAUSTIN about being present on Saturday at your locations to collect signatures on a petition to force an election on CodeNEXT.
<https://indyaustin.org/event/library-day-rain-date-march-3/>

I have shared the following Information with the organizers and am sharing it with you in case you get questions.

IndyAUSTIN is welcome to be stationed beyond Library property boundaries, just not inside the Library or in the Library parking lot.

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(A) A customer may not:

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

I hope this helps clarify.

Best,
Sharon

Sharon Herfurth
Office of Programs & Partnerships | Division Manager
512-974-7420 | sharon.herfurth@austintexas.gov



AUSTIN
PUBLIC
LIBRARY



McBee, Dana

From: Bramblett, Anne
Sent: Thursday, February 22, 2018 4:21 PM
To: McBee, Dana
Subject: FW: Petitions: Indy Austin

Anne Bramblett
Central Library | Assistant Director of Public Services
512-974-7466 | anne.bramblett@austintexas.gov



From: Johnson, Emi
Sent: Thursday, February 15, 2018 5:54 PM
To: Fowler, Patti <Patti.Fowler@austintexas.gov>; Godfrey, Sean <Sean.Godfrey@austintexas.gov>; Palan, Diane <Diane.Palan@austintexas.gov>; Garza, Elva <Elva.Garza@austintexas.gov>; Brownlee, Randy <Randy.Brownlee@austintexas.gov>
Cc: Bramblett, Anne <Anne.Bramblett@austintexas.gov>; Baker, Karen <Karen.Baker@austintexas.gov>
Subject: Petitions: Indy Austin

111-

From: Polio, Laura
Sent: Thursday, February 15, 2018 5:44 PM
To: Herfurth, Sharon <Sharon.Herfurth@austintexas.gov>
Cc: Johnson, Emi <Emi.Johnson@austintexas.gov>
Subject: Indy Austin

Linda Curtis, 512-657-2089, [REDACTED] with Indy Austin contacted the Director's office to give us notice that Indy Austin plans to be outside of a few branch libraries on Saturday with petitions re CodeNext. Linda stated that volunteers have been instructed on the rules of where and what they are able and not able to do and she is available by phone if any issues come up, so feel free to share her phone number with branch managers. Central, Yarbrough, North Village and Hampton are some of the sites that Ms. Curtis stated they will definitely have volunteers at and depending on the weather a few more may be added.

Laura Carmona Polio
Department Executive Assistant
Central Library | Director's Office
512-974-9624 | laura.polio@austintexas.gov



McBee, Dana

From: Bramblett, Anne
Sent: Thursday, February 22, 2018 4:24 PM
To: McBee, Dana
Subject: PIR

Anne Bramblett
Central Library | Assistant Director of Public Services
512-974-7466 | anne.bramblett@austintexas.gov



Mr. Weeks--this is Anne Bramblett. We have a CodeNext petitioner issue at Twin Oaks. He was asked to leave but won't. Can you give me a call? As of right now I made the decision to send over security to ensure customers are comfortable coming in & out of the building but did not

Phone LTE

4:14 PM

46%



Roosevelt

iMessage
Saturday 2:17 PM

Mr. Weeks--this is Anne Bramblett. We have a CodeNext petitioner issue at Twin Oaks. He was asked to leave but won't. Can you give me a call? As of right now I made the decision to send over security to ensure customers are comfortable coming in & out of the building but did not



Sent from my iPhone

McBee, Dana

From: Bramblett, Anne
Sent: Thursday, February 22, 2018 4:25 PM
To: McBee, Dana
Subject: PIR_2

Anne Bramblett
Central Library | Assistant Director of Public Services
512-974-7466 | anne.bramblett@austintexas.gov



Phone LTE

4:14 PM

46%



Roosevelt

Codenext petitioner issue at
Twin Oaks. He was asked to
leave but won't. Can you
give me a call? As of right
now I made the decision to
send over security to ensure
customers are comfortable
coming in & out of the
building but did not
recommend calling the
police until I heard from you

Have security to handle and
they will make the call.



10:10 AM



Sent from my iPhone

McBee, Dana

From: Abramov, Michael
Sent: Saturday, February 17, 2018 12:20 PM
To: Herfurth, Sharon
Cc: Fowler, Patti; Inabnitt, Dave; McBee, Dana; Bramblett, Anne
Subject: FW: Petitioning on Library Property

Importance: High

Sharon,

I called back and confirmed with Linda Curtis that she indeed received this e-mail concerning petitioning on Austin Public Library property.

I also relayed what you just mentioned over the phone that the petitions at New Central Library were being conducted on the Cesar Chavez side of the property. Ms. Curtis corrected me and said they did come by but were in foot traffic.

At the close of the conversation, Ms. Curtis mentioned she will be going to court next week.

Again, Ms. Curtis's contact information is [REDACTED] (512) 557-2039.

Thank you,
Michael

Michael Abramov

North Village Branch | Managing Librarian

2505 Steck Ave., Austin, TX 78757

512-974-9955 | <mailto:michael.abramov@austintexas.gov>



From: Abramov, Michael
Sent: Saturday, February 17, 2018 12:15 PM
To: 'contact@indyaustin.org' <contact@indyaustin.org>
Cc: Herfurth, Sharon <Sharon.Herfurth@austintexas.gov>
Subject: FW: Petitioning on Library Property

FYI

From: Herfurth, Sharon
Sent: Friday, February 16, 2018 12:27 PM
To: Library <Library@austintexas.gov>
Subject: Petitioning on Library Property

Dear Staff,

Several of you have been contacted by an organization called IndyAUSTIN about being present on Saturday at your locations to collect signatures on a petition to force an election on CodeNEXT. <https://indyaustin.org/event/library-day-rain-date-march-3/>

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I hope this helps clarify

Best,
Sharon

Sharon Herfurth
Office of Programs & Partnerships | Division Manager
512-974-7420 | sharon.hurfurth@austintexas.gov



McBee, Dana

From: Abramov, Michael
Sent: Saturday, February 17, 2018 12:40 PM
To: Herfurth, Sharon
Cc: Fowler, Patti; Inabnitt, Dave; McBee, Dana; Bramblett, Anne; Polio, Laura; Weeks, Roosevelt; Requejo, St. John; Gillum, John
Subject: RE: Petitioning on Library Property - Update
Importance: High

Sharon,

I thought to follow up on IndyAustin's petitioning attempt at the North Village Branch at 2505 Steck Avenue around 12 Noon on Saturday, February 17, 2018.

I did speak with Sarah Morgan, a volunteer for IndyAustin, and Linda Curtis over Ms. Morgan's phone on speakerphone, in the manager's office. I kept with what was written and pertaining to your email message from February 16 (see below).

About 60 to 15 minutes after the conversation, I thought it best to wait the grounds. IndyAustin was not present on the property to my knowledge. I did not see a petitioning drive inside the library, outside on the grounds, nor on the adjacent sidewalk. My only conclusion is that after speaking with me, IndyAustin (i.e. Linda Curtis) made their point and the volunteer departed.

Ms. Curtis did threaten legal action in the coming week.

I made sure that this went up through my chain of command and felt Mr. Weeks should be aware of these actions promptly.

Michael Abramov
North Village Branch | Managing Librarian
2505 Steck Ave., Austin, TX 78757
512-974-9955 | <mailto:michael.abramov@austintexas.gov>



From: Abramov, Michael
Sent: Saturday, February 17, 2018 12:20 PM
To: Herfurth, Sharon <Sharon.Herfurth@austintexas.gov>
Cc: Fowler, Patti <Patti.Fowler@austintexas.gov>; Inabnitt, Dave <Dave.Inabnitt@austintexas.gov>; McBee, Dana <Dana.McBee@austintexas.gov>; Bramblett, Anne <Anne.Bramblett@austintexas.gov>
Subject: FW: Petitioning on Library Property
Importance: High

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At the close of the conversation, Ms. Curtis mentioned she will be going to court next week.

Again, Ms. Curtis's contact information is [REDACTED] or 512-657-2089.

Thank you,
Michael

Michael Abramov
North Village Branch | Managing Librarian
2505 Steck Ave., Austin, TX 78757
t: 2-974-5955 | mailto:michael.abramov@austintexas.gov



From: Abramov, Michael
Sent: Saturday, February 17, 2018 12:15 PM
To: 'contact@indyaustin.org' <contact@indyaustin.org>
Cc: Herfurth, Sharon <Sharon.Herfurth@austintexas.gov>
Subject: FW: Petitioning on Library Property

FYI

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Sent: Friday, February 16, 2018 12:27 PM
To: Library <library@austintexas.gov>
Subject: Petitioning on Library Property

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I hope this helps clarify.

Best,
Sharon

Sharon Herfurth
Office of Programs & Partnerships | Division Manager
512-974-7420 | sharon.herfurth@austintexas.gov



CRIMINAL TRESPASS NOTICE FOR CITY OF AUSTIN PROPERTY (FORM B - Effective Immediately)

| | | | | | |
|--|-------|------------|--------|--|----------------------------|
| CURRENT DATE | | TIME | | AM <input checked="" type="radio"/> PM | |
| 3-7-18 | | 14 | | | |
| TRESPASS LOCATION | | | | NAME OF CITY BUILDING OR PROPERTY (IF NAMED) | |
| 710 W. CESAR CHAVEZ ST. | | | | Austin Central Library | |
| SUBJECT INFORMATION: (INCLUDE ALL AVAILABLE INFORMATION) | | | | | |
| LAST NAME | | FIRST NAME | | MIDDLE NAME | DATE OF BIRTH |
| Burdick | | Lucas | | | |
| RACE | SEX | HEIGHT | WEIGHT | HAIR | EYES |
| W/M | | 57 | 145 | Blonde | Blue |
| IDENTIFICATION NUMBER | | | | STATE | TYPE |
| | | | | | |
| HOME ADDRESS | | | | CITY | STATE |
| 6810 Pondsate Ln | | | | Austin | TX |
| EMPLOYER OR WORK ADDRESS | | | | WORK PHONE | CELL PHONE / PAGER |
| | | | | | (512) 203-1601 |
| VEHICLE INFORMATION: (IF APPLICABLE AND AVAILABLE) | | | | | |
| YEAR | COLOR | MAKE | MODEL | STATE | CR. INST. NUMBER OR A.L.N. |
| | | | | | |

YOU, Lucas Burdick, ARE HEREBY NOTIFIED TO IMMEDIATELY LEAVE THESE PREMISES. YOU ARE PROHIBITED FROM COMING ON THE PROPERTY OR PREMISES OF THE CITY OF AUSTIN LOCATED AT: ALL AUSTIN Public LIBRARIES UNTIL: 3/8/18, FOR ANY REASON AT ALL.

THIS NOTICE TO LEAVE THE PROPERTY IS BASED ON YOUR CONDUCT INVOLVING: violation of City of Austin Public Library Rules Chapter 13(A)(5)

IF YOU ARE FOUND ON THE PROPERTY DURING THE PERIOD LISTED ABOVE, YOU WILL BE ARRESTED FOR THE OFFENSE OF CRIMINAL TRESPASS.

I, Lucas Burdick, THE UNDER-SIGNED, UNDERSTAND THIS NOTICE IS EFFECTIVE IMMEDIATELY. I FURTHER UNDERSTAND THAT THE ABOVE NOTICE MAY BE RESCINDED ONLY BY WRITTEN NOTIFICATION. I ALSO UNDERSTAND THAT IF I REFUSE TO SIGN THIS NOTICE IT IS STILL EFFECTIVE.

X [Signature]
SIGNATURE OF INDIVIDUAL RECEIVING NOTICE TO LEAVE

You may request a hearing on the City's denial of your access to the property listed above. If you request a hearing, you must make that request no later than the fifth business day after you received the notice. Your request must be in writing and sent to:

(name) ROOSEVELT WEEKS Department Director, LIBRARY Department, City of Austin, P.O. Box 1088, Austin, Texas 78767-1088

If you do request a hearing, you will have the opportunity to show why you should not be denied access to the property listed above. The matter will be reviewed, and a decision will be sent to you in writing. The City official conducting the review will determine (1) whether the issuance of a criminal trespass notice to you was proper, and (2) whether the area (the listed city property) of the criminal trespass notice were proper. The City official will have the authority to rescind, modify, or leave intact this Notice. The City policy regarding criminal trespass notices on City property is available on the back of this page.

CITY EMPLOYEE ISSUING NOTICE: LAST NAME Morher FIRST NAME Nash CITY ID NO. _____
WITNESS (IF ANY): LAST NAME _____ FIRST NAME _____ CITY ID NO. _____

WHITE PAGE - A.P.D. DATA ENTRY

YELLOW PAGE - CITY DEPARTMENT FOR INVOLVED PROPERTY PINK PAGE - INDIVIDUAL

5/31/2018

APL Incident Report: No. 2943

api bibliocommons_catalog locations databases youth ahc exchange cityspace eaccess train
LIBRO: APL INSIDE
employees divisions committees policies bulletins security customer service
helpdesk

INCIDENT REPORTS

Incident Report No.: 2,943

Prepared by:  Elizabeth Gibson

Time of Incident: Saturday, February 17, 2018 at 9:00 a.m.

Location: Spicewood Springs Branch

Policy Violation : • Distributing literature or soliciting customers on Library property.

Staff Person Involved: Elizabeth Gibson .


Officer Called: 1. Jeff Kingsley (APD) was called . Badge Number 6790 , Case Number 180480789 .

Warning: You cannot petition on library property, you need to leave.

If you do not leave, I will call the police.

You are no longer welcome on the property.

Incident Narrative: Around 12:30, I was told that there was a man outside the library's front door, asking for signatures on behalf of Indy Austin. I let the man know that he was not allowed to solicit on library property and read him the policy that Sharon had sent library staff. He called "his boss" Linda Curtis and spoke with her. The call ended and he asked me to show him where he could go. I showed him where I believed the library's boundary ended and told him he was free to solicit there, or on the sidewalk near the street. He took pictures of both locations and we parted ways amicably. Fifteen minutes later, I saw him in the same spot outside the front door and told him he could not be there, but could be on the agreed upon sidewalk. He said he was not leaving. I said he needed to leave. He told me that this was public property. I told him if he did not leave I would call the police, and so I called the police. The officer spoke with him and asked him to leave. The man refused to comply. The officer told him if he did not, he would get issued a CTN. The man said he was going to call his lawyer and proceeded to call someone, told them the situation, hung up, and told the officer to give him a CTN. I let the man know he was not welcome on the property and the officer issued the CTN. eor

 ADD IMAGE No file chosen

Add a note to this incident report

[Back](#)

Go to Incident number

<http://libro/divisions/edc/security/incident2018/admin/index.cfm?action=complete&incidentnumber=2943>

5/31/2018

APL Incident Report, No. 2943

<http://libro/divisions/acts/security/incident2016/admin/index.cfm?action=complete&incidentnumber=2943>

2/21/2018

APL Incident Report No. 2945

apl bibliocommons_catalog locations databases youth ahc exchange cityspace eaccess train

LIBR03 APL INSIDE

employees divisions committees policies bulletins security customer service
helpdesk

INCIDENT REPORTS

...

Incident Report No.: 2,945

Prepared by:  Michelle Beebower

Time of Incident: Saturday, February 17, 2018 at 2:00 p.m.

Location: Twin Oaks Branch

Policy Violation :

Reporting Information: • Other.

Staff Person Involved: Michelle Beebower .

Policy Violator : 1. Bill Bunch, White Male .
Received Warning.
Asked To Leave For The Day.


Warning: You are welcome to be stationed beyond Library property boundaries, just not inside the library or in the library parking lot.

Incident Narrative: Earlier this morning, I asked a different petitioner to move outside the library boundaries and he did. I decided to check sporadically to make sure no one else was petitioning on the property.

I discovered another man in fact was petitioning. I asked him to move outside the property and he refused. He told me he was a lawyer and he knew his rights and we were trying to prevent his right to free speech and he would not move.

I called the IndyAustin Contact, Linda Curtis to inform her of this and she told me his name was Bill Bunch, the director of Save our Springs and that he would not leave unless the police came and that they believed the city was violating their rights and if he was removed they would put a court Injunction in next week.

I informed my managers and called Security. We think Mr. Bunch left as security was coming into the building.

 ADD IMAGE | No file chosen

[Add a note to this incident report](#)

[Back](#)

<http://libroldivisions/acfs/security/incident2016/admin/index.cfm?action=complete&incidentnumber=2945>

2/21/2016

APL Incident Report: No. 2945

Go to incident number

<http://libro/divisions/acfs/security/incident2016/admin/index.cfm?action=complete&incidentnumber=2945>

apl bibliocommons_catalog locations databases youth ahc exchange cityspace eaccess train

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INCIDENT REPORTS

Incident Report No.: 2,946

Prepared by:  Holly Brown

Time of incident: Saturday, February 17, 2018 at 1:30 p.m.

Location: Manchaca Road Branch

Policy Violation s :

- Distributing literature or soliciting customers on Library property.
- disrupting use of library services or property.

Staff Person Involved: Holly Brown, Christopher Allen, Adam Stern .

Policy Violator : 1. Mark CodeNEXT, White Male .
Not Warned.
Not Asked To Leave.

Incident Narrative: At 1:28 pm on Saturday afternoon, I was alerted, by staff member Christopher Allen, to the fact that there were CODENEXT petitioners on the property. Luckily, staff was alerted, by Sharon Herfurth, about the possibility of this happening on Saturday. After printing the email sent by Sharon, I approached the two people outside of the library collecting signatures. I spoke with a man named Mark. After asking for and taking down my name as well as giving me the name of his organizer, Linda Curtis, he made a point to say that they were not soliciting, rather petitioning. After a short conversation with Mark about he and his partner not being able to petition on library property, he stated that it was public property and further asked what the city ordinance number was that stated petitioning on city property could not be done. Mark's cohort then stated that they (the petitioners) were told they could be on the property but must remain 100 meters from the entrance. I did not have the information being asked for (city ordinance number) because it was not in the email provided, so, I went back into the library to peruse the COA ordinance database which is extremely lengthy for the information requested. After spending about 25-30 minutes of work time with this issue, Mark came into the library and stated to staff member, Adam Stern, that he appreciated my "being nice about the situation" but he and his fellow petitioner were leaving for the day. We had a cordial goodbye.
EOR

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5/31/2018

APT Incident Report No. 2946

Go to incident number

5/31/2018

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INCIDENT REPORTS

Incident Report No.: 2,947

Prepared by:  Eric Travis

Time of Incident: Saturday, February 17, 2018 at 3:15 P.m.

Location: Hampton Branch at Oak Hill

Policy Violation : * Distributing literature or soliciting customers on Library property.

Staff Person Involved: Eric Travis .

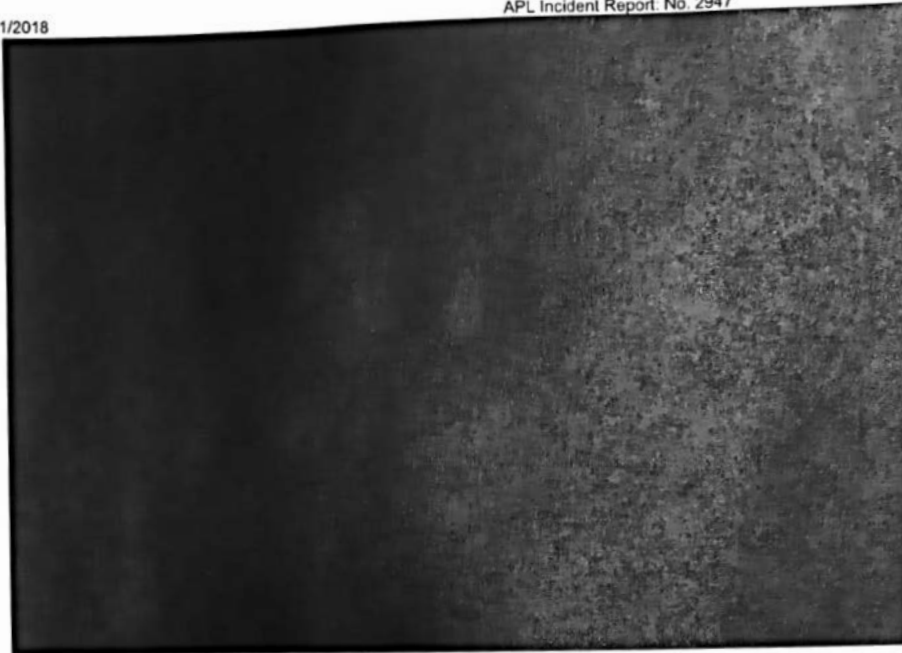
Policy Violator : 1. Unknown , White Female .
Received Warning.
Not Asked To Leave.

Warning: I told to subject that soliciting customers was not permitted on Library property. I asked her to go out to the sidewalk. She asked what could happen if she refused to comply. Would it be a criminal trespass situation? I told her that it would and that I was going to call the Police.

Incident Narrative: I saw a white woman, long brown hair, medium build, about 5'2" tall, standing near the front walkway with a clipboard, speaking with people coming into the Library. I went outside and said that it looked like she was asking for signatures for a petition. She confirmed that she was. I let her know that was prohibited by Library policies. She asked if it was an ordinance and wanted to see it in writing. I went inside and got the sign with the policies and showed her the relevant policy. She took a photo of it and of me. I asked what would happen if she didn't comply. "Would it be a criminal trespassing situation?" I said it would be. I went inside and radioed Security before calling APD. I spoke with Christian Smucker. He advised me that St. John Requejo had told him that we were not to call the Police. I also spoke with Elva Garza, my supervisor, who also advised me not to take any action. Chris Murray, Security Officer, arrived here around 4 PM and observed the situation with me. The subject left at 4:20, when it started to rain.

5/31/2018

APL Incident Report No. 2947



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Note 1 of 1

According to the Indy Austin blog, the petition gatherer's name is Debbie Russell.

Note was added by Eric Travis at 12:58 P.M. on February 20, 2018

Add a note to this incident report

[Back](#)

Go to Incident number

5/31/2018

APL Incident Report No. 3008

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INCIDENT REPORTS

Incident Report No.: 3,008

Prepared by:  Kathleen Kanarski

Time of Incident: Tuesday, February 27, 2018 at 12:15 p.m.

Location: Howson Branch

Policy Violation: • disrupting use of library services or property.

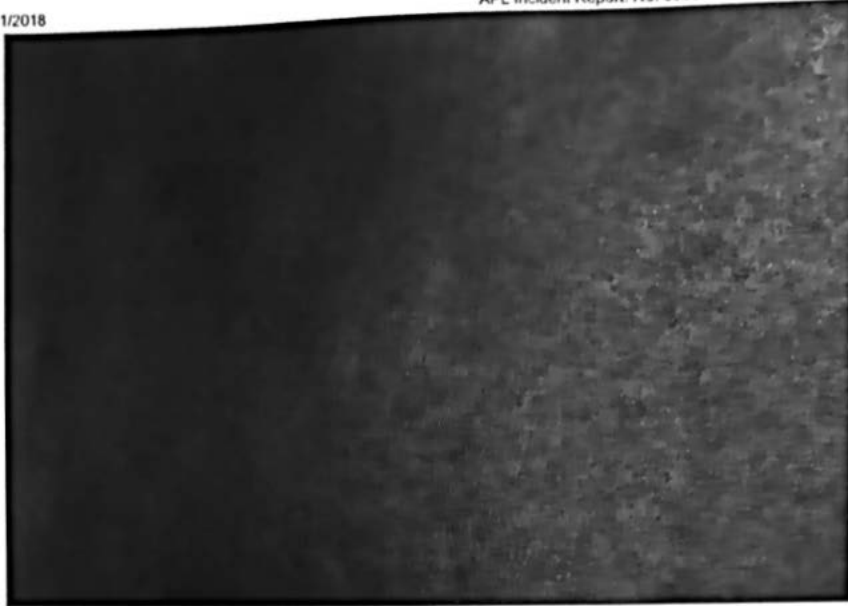
Staff Person Involved: Nancy Grobe, Emma DeBoer-Piedt, Kathleen Kanarski.


Warning: You may not petition on City property. You must move to the public sidewalk.

Incident Narrative: At approximately 12:15 p.m., staff member Nancy Grobe was arriving for her shift. She saw a woman holding a clip board asking people if she could speak with them. Nancy approached the woman and told her that she could not ask people to sign her petition on City property and that she had to move to the sidewalk. The woman said that no one had told her and moved to the sidewalk. Nancy continued into the building. Later, around 5:30 p.m., Emma DeBoer-Piedt was leaving for the day and saw the same woman, again calling to people in the parking lot from her next to her vehicle, which was parked under the electric car charging station canopy. She approached Emma and Emma told her that she couldn't ask people to sign her petition on City property. The woman told Emma that she had 'spoken to the person in charge here and they said it was OK.' Emma asked if she had spoken to the Branch Manager, Kathleen Kanarski. Emma continued on, saying that City policy is that petitioning on City property is not permissible and that she would have to move to the sidewalk in the area where the political signs began. The woman said that she thought it was OK to be in the parking lot if she was as far from the building as the political signs. Emma clearly told her that she had to be on the sidewalk and could not be in the parking lot asking people to sign her petition.

5/31/2018

APL Incident Report: No. 3008



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5/31/2018

APL Incident Report No. 3057

apl bibliocommons_catalog locations databases youth shc exchange cityspace eaccess train

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helpdesk

INCIDENT REPORTS

Incident Report No.: 3,057

Prepared by:  Hans Deaton

Time of incident: Tuesday, March 6, 2018 at 7:30 a.m.

Location: North Village Branch


Policy Violation : • Distributing literature or soliciting customers on Library property.

Staff Person Involved: Hans Deaton / St John Requejo / Dana McBee / Michael Abramov .

Policy Violator : 1. Unknown , White Male .
Received Warning.
Not Asked To Leave.

Warning: Unknown white male was petitioning voters as they left North Village

Incident Narrative: On 03/06/2018, at approximately 0730am, I, S/O Hans Deaton observed an unknown white male, with a clipboard, talking to people who just voted. I went out and explained to the man that he could not petition on Library Property. He stated that he had given our Director a cease and desist letter, and that we were breaking the law. I informed him that the Library has a neutral stance on any elections, petitions, etc. and that if he did not move to the sidewalk (off city property) I would have to call APD. He stated to go ahead and call them. I went back inside and called S/S St John Requejo, who asked me to send an e-mail to Dana McBee, which I did. Michael Abramov (North Village Librarian) walked in and I informed him of the situation. Michael checked his e-mails and informed me that Dana had asked us to wait on calling APD, until she talked to the City Attorney. Dana stated she would get back with me after she heard from the Attorney. After hearing from Dana, it appears the petitioner has left the property.

 ADD IMAGE No file chosen

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5/31/2018

APL Incident Report: No. 3059

apl bibliocommons_catalog locations databases youth ahl exchange cityspace eaccess train

LIBRO: APL INSIDE

employees divisions committees policies bulletins security customer service
helpdesk

INCIDENT REPORTS

Incident Report No.: 3,059

Prepared by:  Lela Ellison

Time of Incident: Tuesday, March 6, 2018 at 9:00 a.m.

Location: Howson Branch


Policy Violation : • Distributing literature or soliciting customers on Library property.

Staff Person Involved: Lela Ellison, Ruth Kubacka, Adrian Perez .

Officer Called: 1. unknown (Security) was called .

Warning: "Ma'am, you are petitioning for CodeNEXT on library property and you are also less than 100 feet away from the entrance of a polling place. Both of these are violations of both library policy and state election policies. Furthermore, you are petitioning in the street--stopping customers and voters, right where the cars are coming in and that is a big safety issue. Please move off of library property and 100 feet away from the polling place entrance."

Incident Narrative: I got a text from Ruth Kubacka stating that our neighborhood CodeNEXT petitioner was back and was adamant that she did not have to move. I went out to see where the petitioner was. It was the same woman from IR #3021. This time she was standing in the street, off the curb and approaching voters as they came out of the building. I told her that she was again on library property and that we could not allow petitioning on the premises. And that she was again, less than 100 feet away from entrance. She pointed at the street and said, "I'm off library property." I responded with, "You are in the street which is a safety issue and you are also less than 100 feet away from a polling entrance which is a state law. They do not allow political signs or electioneering areas less than 100 feet away from the polling location." After a bit of pushback, where she insisted that she did not have to move, I told her that I would need to call 911 if she did not move, she backed down. I directed her to the sidewalk area, where the political signs were. She complied and moved off to the area I pointed to. I then had Adrian Perez call Security to let them know that we had a petitioner near library property. They said that they would send someone over. I also checked again, about 15 minutes later to see if she was in an appropriate spot. She was behind the 100 ft markers on the sidewalk.

 ADD IMAGE No file chosen

Note 1 of 1

I was informed of this incident when I came in around 12:20 p.m. I informed the election judges and they said they will keep an eye open for anyone petitioning too close to the entrance to the polling place. One of the judges called it electioneering.

Note was added by Kathleen Kanarski at 12:55 P.M. on March 6, 2018

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INCIDENT REPORTS

Incident Report No.: 3,070

Prepared by:  Mark Martinez

Time of incident: Wednesday, March 7, 2018 at 2:30 p.m.

Location: Austin Central Library

Policy Violation : • **Distributing literature or soliciting customers on Library property.**

Staff Person Involved: Daniel Hanna, Jeff Rowland, Jennifer Clapper, Dana McBee

Policy Violator : 1. Lucas Burdick, White Male .
Received Warning.
Asked To Leave For The Day.

Warning: She also asked "what If we refuse to leave?" to which I responded "A CTN will be issued".

Incident Narrative: While on a routine interior patrol of the Library, S/O's Mark Martinez and Daniel Hanna, observed what appeared to be a set of customers soliciting others as they walked by the Caesar Chaves entry from the inside. I then informed the control room that I was making contact to find out what was going on; visible on the camera labeled Ext S 1st Street. As I approached I said "Hi, my name is Mark and I'm with library security. I was just trying to find out what you had going on". I was told "were here collecting signatures for a petition". I then responded "library policy prohibits solicitation of any sort on library property however you can be on the public sidewalk". The gentleman then said "I'd like to see a copy of the rules please" to which I responded "of course, please give me a few minutes and I'll be right back with you". From that point I proceeded to speak with Jeff Rowland about our course of action at his desk. Jeff Called Dana McBee to get a better understanding of what guidance legal had for us. After speaking with the legal team Dana requested that we show the customers the City Of Austin Library Department Library Use Rules; Chapter 13 (Personal Behavior) Section A subsection 5. Dana also requested that we move forward with the issuance of a CTN B if they refused to leave. S/O Hanna and I then returned to the petitioners to provide them with the information. After briefing both parties on the rule they were breaking, they requested a copy of the rules I was reading from and I informed them they could request a copy from the City Of Austin Legal team but I could not allow them to have the copy I was reading to them from. During this time the female petitioner asked me where on the Shoal creek side of the library was off property so we walked to that side so I could show her where the property trail begins and ends. She also asked "what if we refuse to leave?" to which I responded "A CTN will be issued". I was also After showing them the information and where library

APL Incident Report: No. 3070

property ends/begins the gentleman refused to leave and his female counterpart agreed to leave. I proceeded with the issuance of a CTN form B to Lucas Burdick; visible on the camera [REDACTED] Once Mr. Burdick provided me his information to fill out the CTN form B his female counterpart stated "we're here to challenge our constitutional rights to petition on public property, thank you for being polite, you've done your job well from what I can see, thank you". They departed property at 1444 without further issue. Nothing follows, end of report.

