

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

11 NOV 11 2011
TO: Office of the City Administrator
ATTN: Deanna Santana, City Administrator
FROM: Arturo M. Sanchez, Assistant to the City Administrator
DATE: November 3, 2011

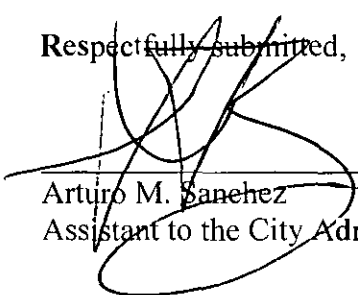
Re: Public Hearing, Discussion, and Possible Action (Including a Proposed Resolution) Regarding Activities of "Occupy Oakland" at Frank H. Ogawa Plaza and Other Areas of the City, Including Without Limitation, Demonstrations, Assembly, Overnight Stays, Encampment and City Protocols, and Policies

SUMMARY

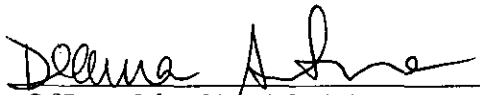
In preparation for the special meeting of the Oakland City Council, attached please find all relevant communications made with the individuals participating in the Occupy Wall Street movement located at the Frank Ogawa Plaza, and the Information Memos shared with the Oakland City Council during the communications.

If the City Council would like staff is prepared to make a presentation.

Respectfully submitted,


Arturo M. Sanchez
Assistant to the City Administrator

APPROVED AND FORWARDED TO
Special Meeting of the Oakland City Council:


Office of the City Administrator

Attachments:

Flyer, "Attention Occupy Wall Street Protesters," October 12, 2011
Information Memo to Mayor and City Council, October 16, 2011
Flyer, "Attention Occupy Wall Street Protesters," October 16, 2011
Flyer, "Attention Occupy Oakland Demonstrators," October 18, 2011
Information Memo to Mayor and City Council, October 18, 2011
Flyer, "Attention Occupy Oakland Demonstrators," October 19, 2011

Flyer, "Attention Occupy Oakland Demonstrators," October 19, 2011
Information Memo to Mayor and City Council, October 19, 2011
Flyer, "Notice to Vacate Frank Ogawa Plaza," October 20, 2011
Distribution of Flyer to Mayor and City Council, October 20, 2011
Flyer, "Notice of Violations and Demand to Cease Violations—(Frank Ogawa Plaza)," October 21, 2011
Flyer, "Notice of Violations and Demand to Cease Violations— (Snow Park)," October 21, 2011
Flyer, "Availability of Homeless Services—(Frank Ogawa Plaza)," October 21, 2011
Flyer, "Notice of Violations and Demand to Cease Violations—(Frank Ogawa Plaza)," October 22, 2011
Flyer, "Notice of Violations and Demand to Cease Violations—(Snow Park)," October 22, 2011
Flyer, "Availability of Homeless Services—(Frank Ogawa Plaza)," October 22, 2011
Flyer, "Availability of Homeless Services—(Snow Park)," October 22, 2011
Flyer, "Notice of Violations and Demand to Cease Violations—(Frank Ogawa Plaza)," October 23, 2011
Flyer, "Notice of Violations and Demand to Cease Violations—(Snow Park)," October 23, 2011
Flyer, "Availability of Homeless Services—(Frank Ogawa Plaza)," October 23, 2011
Flyer, "Availability of Homeless Services—(Snow Park)," October 23, 2011
Flyer, "Notice of Violations and Demand to Cease Violations—(Frank Ogawa Plaza)," October 24, 2011
Flyer, "Notice of Violations and Demand to Cease Violations—(Snow Park)," October 24, 2011
Flyer, "Availability of Services—(Frank Ogawa Plaza)," October 24, 2011
Flyer, "Availability of Services—(Snow Park)," October 24, 2011
Flyer, "To Recover Items Left in City of Oakland Parks or Taken From Subjects Taken into Custody," October 25, 2011

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

Arturo M. Sanchez,
Assistant to the City Administrator

TTY/TDD (510) 238-2007
Main FAX (510) 238-7084
Voicemail (510) 238-7542

ATTENTION
OCCUPY WALL STREET PROTESTERS

The City of Oakland respects your First Amendment right to free speech. We have several rules that we need you to comply to ensure the health and safety of your group, and to respect the City's Plaza, which is a public park:

1. Please do not tie off your tents and or tarps on City property (light poles, trees, benches, etc). An exception has been made for the First Aid tent only.
2. Please do not barricade and/or encamp in our bench shelters located around the Plaza. They are public space and must be accessible to all.
3. Please do not urinate on City Property or on our historical landmarked Tree.
4. Amplified sound in the plaza requires a permit. You can apply for a permit on the 11th floor of City Hall, Nancy Marcus. You will not be denied, but you must have a permit.
5. Please relocate port-a-potties to a more appropriate site: Along the 14th Street side of the Plaza.
6. Please keep our park clean. To aid you the City will provide green trash bags and trash boxes.

Please abide by these requirements and we will do our best to work with you to make sure that you are afforded every opportunity to continue to your safe and respectful action. We recommend that you elect spokespeople for your action as it will make it easier for the City to communicate with the group and negotiate any support and or direction that we may need to provide.

Keep in mind that regardless of your First Amendment right, the City reserves the right to control the time, place and manner of your speech. Should this action become dangerous and or violate City policy, we will take steps to address those violations for your and the public's safety. Please remove any attached tarps, tents, cardboards, etc. from City property by 4 p.m. today, Wednesday October 12, 2011. Any equipment which remains attached after 4 p.m. will be removed by City staff.

For Questions or Concerns please contact:

Arturo M Sanchez
Assistant to the City Administrator
City Administrator's Office
email: asanchez@oaklandnet.com
Office: (510) 238-7542
Fax: (510) 238-7084

For Civic Center Complex and PWA assistance:

Office of the Director
Brooke Levin - PWA Assistant Director, Department of Facilities and Environment

Facilities Management
Derin Minor - Facilities Manager - Office 510 238-3219 cell 510 385-9938
Renay Jackson - Assistant Complex Manager - Office 510 238-6355

Security
Charles Blatcher - Cypress Security Project Manager - 510 754-3718

Please be advised of the following upcoming Scheduled Events

10/15 - There is a Free Speech Job Rally scheduled for this Saturday, they are expecting 1000 people. The Rally is sponsored by the "Move on Eastbay Council. (Frank Ogawa Plaza)

10/20 - United Policy Holders 75 attendees (City Hall)

10/21 - Nuptial Ceremony - 13 attendees (Frank Ogawa Plaza)

DISTRIBUTION DATE: October 16, 2011



CITY OF OAKLAND

MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: Arturo Sanchez

SUBJECT: COMMUNICATION WITH
OCCUPY OAKLAND RE:
PLAZA CONCERNS &
CONDITIONS

DATE: October 16, 2011

City Administrator
Approval

APPROVED
as of 4:30 p.m. by DJS

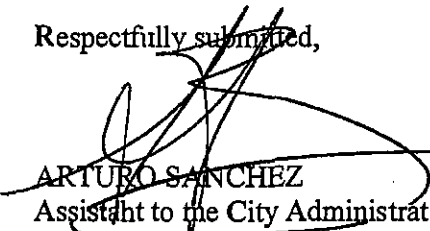
Date: October 16, 2011

INFORMATION

Attached please find a copy of the flyer staff will be distributing this evening to members of the Occupy Oakland encampment. Today Sunday, October 16, 2011 Arturo M. Sanchez will be communicating directly with you to take down your concerns and convey our current assessment and plans to address this situation.

Please feel free to communicate directly with Arturo if you have questions, concerns, or comments at (510) 238-7542.

Respectfully submitted,


ARTURO SANCHEZ

Assistant to the City Administrator
City Administrator's Office

CITY of OAKLAND
City Administrator's Office



CITY HALL ■ 1 Frank H. Ogawa Plaza • 11th FLOOR ■ OAKLAND, CALIFORNIA 94612

ATTENTION
OCCUPY OAKLAND DEMONSTRATORS

The City of Oakland is committed to facilitating peaceful forms of expression and free speech rights, and protecting personal safety and property.

As a whole, to date we have all worked cooperatively and Occupy Oakland has been responsive to concerns regarding our trees, trash, and other miscellaneous items, and we appreciate the willingness to work in partnership with us.

Please be advised that we have received several complaints stemming from activities by and in connection with the encampment, which include the following:

1. *Smoking of Marijuana. Smoking of any substance is prohibited in our parks. Please do not smoke in the Plaza.*
2. *Damage to the trees in the plaza and surrounding area*
3. *Fire code violations that pose life safety concerns*
4. *Illegal use of power from City electrical sources*
5. *Litter and vandalism affecting plaza and adjoining commercial areas*
6. *Damage to the park lawn which will require City expenditures to repair*
7. *Use of interior home furniture in public view within the plaza*
8. *Excessively loud drumming and sound amplification*

Please remember that it is illegal to camp in City parks. Although we are currently accommodating tents on the lawn, no tents will be allowed on *any* of the paved areas of the plaza. *Your current conditions in the encampment are increasing the potential for serious health and safety issues to occur.*

Please take the following measures to address the complaints and ensure personal and environmental health and safety:

⇒ *Fire code violations:* must be remedied to address life safety concerns:

- Install fire extinguishers near cooking tent;
- No smoking inside tents;
- Have an emergency exit plan and appropriate clearance for path and travel should an emergency occur.

⇒ *Urinating* on public facilities, property, or outside of portable potties is prohibited.

⇒ *Food Storage:* Food that is not appropriately stored is an attractive nuisance to rats, the plaza, and downtown area; which already have a problem that we continue to try to

Continued on back

address to protect the public health. We have a responsibility to preserve the public health and need the camps cooperation in this endeavor.

- ⇒ **Built structures** into the infrastructure of the plaza are prohibited. We have repeatedly asked and advised that plaza equipment and infrastructure must be respected. All structures built into our bench alcoves and on our facility equipment must be removed. Your structure is unsafe and poses a serious threat to safety, please remove all structures, within 24 hours or we will make arrangements to remove. If they are not removed we will communicate with you prior to removal.
- ⇒ **Use of power** from City electrical sources is prohibited
- ⇒ **To discourage** rodents, molds, and other health concerns, please do not place any interior home furniture in public view within the plaza; cots and similar furniture designed for outdoor use are permissible.
- ⇒ **Keep tents, ropes, poles and other equipment** or hardware away from the trees and plaza furniture (i.e., benches, railings, light fixtures and landscaping). Please keep all other personal belongings (clothes, etc) within your tent.
- ⇒ **Sound levels** must be monitored such that amplified sound cannot be heard across the street from the plaza.
- ⇒ **The park** must be kept clean. Please use trash receptacles and make arrangements to have trash removed. We have already provided extraordinary services to date, we cannot continue these expenditures.
- ⇒ **Frank Ogawa Plaza Park Hours** are from 5 a.m. to 10.p.m

As we have discussed, the Plaza is used by many public groups and gatherings. We expect the following programming to occur in the plaza over the next week:

Wednesday October 19, 2011 1:30 p.m. Science Kick-off is scheduled to occur in the Amphitheater. You will need to allow this group to have access to the amphitheatre.

Thursday October 20, 2011 4 p.m. there will be a United Policy holders event in front of City Hall and inside on the Rotunda building. Please respect these groups right to access both areas.

On October 21, 2011 2:30 p.m. there is a wedding scheduled in the Amphitheater area of the Plaza, please respect this ceremony.

Remember, you must not prohibit, impede, or in any other way obstruct the use of the plaza by these groups as they have the same right to access this plaza as you do. Thank you for your cooperation, and feel free to return during regular park hours to enjoy this public plaza.

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR ■ OAKLAND, CALIFORNIA 94612

ATTENTION
OCCUPY OAKLAND DEMONSTRATORS

The City of Oakland is committed to facilitating peaceful forms of expression and free speech rights, and protecting personal safety and property.

As a whole, to date we have all worked cooperatively and Occupy Oakland has been responsive to concerns regarding our trees, trash, and other miscellaneous items, and we appreciate the willingness to work in partnership with us.

Please be advised that we have received several complaints stemming from activities by and in connection with the encampment, which include the following:

1. *Smoking of Marijuana. Smoking of any substance is prohibited in our parks. Please do not smoke in the Plaza.*
2. *Damage to the trees in the plaza and surrounding area*
3. *Fire code violations that pose life safety concerns*
4. *Illegal use of power from City electrical sources*
5. *Litter and vandalism affecting plaza and adjoining commercial areas*
6. *Damage to the park lawn which will require City expenditures to repair*
7. *Use of interior home furniture in public view within the plaza*
8. *Excessively loud drumming and sound amplification*

Please remember that it is illegal to camp in City parks. Although we are currently accommodating tents on the lawn, no tents will be allowed on any of the paved areas of the plaza. *Your current conditions in the encampment are increasing the potential for serious health and safety issues to occur.*

Please take the following measures to address the complaints and ensure personal and environmental health and safety:

⇒ *Fire code violations*: must be remedied to address life safety concerns:

- Install fire extinguishers near cooking tent;
- No smoking inside tents;
- Have an emergency exit plan and appropriate clearance for path and travel should an emergency occur.

⇒ *Urinating* on public facilities, property, or outside of portable potties is prohibited.

⇒ *Food Storage*: Food that is not appropriately stored is an attractive nuisance to rats, the plaza, and downtown area; which already have a problem that we continue to try to

Continued on back

address to protect the public health. We have a responsibility to preserve the public health and need the camps cooperation in this endeavor.

- ⇒ **Built structures** into the infrastructure of the plaza are prohibited. We have repeatedly asked and advised that plaza equipment and infrastructure must be respected. All structures built into our bench alcoves and on our facility equipment must be removed. Your structure is unsafe and poses a serious threat to safety, please remove all structures, within 24 hours or we will make arrangements to remove. If they are not removed we will communicate with you prior to removal.
- ⇒ **Use** of power from City electrical sources is prohibited
- ⇒ **To discourage** rodents, molds, and other health concerns, please do not place any interior home furniture in public view within the plaza; cots and similar furniture designed for outdoor use are permissible.
- ⇒ **Keep tents, ropes, poles and other equipment** or hardware away from the trees and plaza furniture (i.e., benches, railings, light fixtures and landscaping). Please keep all other personal belongings (clothes, etc) within your tent.
- ⇒ **Sound levels** must be monitored such that amplified sound cannot be heard across the street from the plaza.
- ⇒ **The park** must be kept clean. Please use trash receptacles and make arrangements to have trash removed. We have already provided extraordinary services to date, we cannot continue these expenditures.
- ⇒ **Frank Ogawa Plaza Park Hours** are from 5 a.m. to 10.p.m

As we have discussed, the Plaza is used by many public groups and gatherings. We expect the following programming to occur in the plaza over the next week:

Wednesday October 19, 2011 1:30 p.m. Science Kick-off is scheduled to occur in the Amphitheater. You will need to allow this group to have access to the amphitheatre.

Thursday October 20, 2011 4 p.m. there will be a United Policy holders event in front of City Hall and inside on the Rotunda building. Please respect these groups right to access both areas.

On October 21, 2011 2:30 p.m. there is a wedding scheduled in the Amphitheater area of the Plaza, please respect this ceremony.

Remember, you must not prohibit, unpede, or in any other way obstruct the use of the plaza by these groups as they have the same right to access this plaza as you do. Thank you for your cooperation, and feel free to return during regular park hours to enjoy this public plaza.

CITY of OAKLAND
City Administrator's Office



CITY HALL ■ 1 Frank H. Ogawa Plaza ■ 11th FLOOR • OAKLAND, CALIFORNIA 94612

ATTENTION
OCCUPY OAKLAND DEMONSTRATORS
Date: October 18, 2011, 10:30 am

The City of Oakland is committed to facilitating peaceful forms of expression and free speech rights, and protecting personal safety and property.

Deconstruction of Structure on Plaza

The notice distributed Sunday October 16, 2011 at approximately 6 pm indicated that we would provide 24 hours to bring down the structure built into the infrastructure of the Plaza. As of now, it appears that the structure has been partially dismantled. We thank you for your attention to this safety hazard. While we appreciate your efforts to comply with this requirement, we request that the structure be completely removed as soon as possible in order to maintain a safe environment. Please be advised that if the structure is not completely removed, the City will complete the dismantling of the structure without further communication.

For future reference, note that structures built in the Plaza are prohibited and do not constitute free speech. Their existence poses a serious health and safety concern for the City. We have repeatedly asked and advised that plaza equipment and infrastructure must be respected. All structures built into the bench alcoves and street furniture, or on Plaza facilities or equipment must be removed. All structures must be removed within 24 hours or the City will make arrangements to remove them. In addition, the use of the electrical outlets in City light posts is strictly prohibited and must cease.

Additional Issues and Complaints Received

The City of Oakland is becoming increasingly concerned about public health, safety, and crowd control related to the Occupy Oakland demonstration. We have heard complaints from City employees, surrounding neighbors and protesters themselves about the following activities:

- ⇒ A medical emergency occurred on the Plaza when an individual fell about 14 feet from a tree, and individuals denied public safety personnel access to the injured person.
 - It is imperative that all first responders (police, fire and ambulance personnel) be granted access to the Plaza at all times to address medical emergencies as well as public health and safety issues.
- ⇒ Children were reported sitting/climbing on the built structure on the Plaza.
 - This poses a significant safety risk. Children must not be allowed to climb or sit on any structure in the Plaza (i.e., poles, planter boxes, trees, or fencing), with the exception of sitting on benches.

- ⇒ **Graffiti and vandalism continue.**
 - Please help us stop vandalism before it occurs and clean it up when it is spotted.
- ⇒ **Public urination.**
 - Do not urinate on public facilities, property or outside port-a-potties.
- ⇒ **Amplified sound/loud music.**
 - Please be considerate of the many occupants in the buildings surrounding the Plaza, many of whom are complaining about noise levels. Please remember that no permit has been issued for music or amplified sound. The City will accommodate amplified sound between 12 and 1 pm or after 5 pm.
- ⇒ **Dogs are not permitted in City parks or the Plaza.**
 - We have been informed of a dog bite incident.
 - Please make arrangements to have your dogs removed.

The City has also heard complaints about sexual harassment, fighting, public drinking, intoxication, drug use and sex in public. These behaviors are raising the City's concern about the health and well-being of demonstration participants, visitors, employees and the surrounding community alike.

We continue to ask your assistance and cooperation in ensuring that you address these issues and accommodate the needs and rights of all users of the Plaza. Please be mindful that this Plaza is used by the public, employees, and schools. We require these courtesies to peacefully coexist.

Public Programming in Frank Ogawa Plaza this Week

As we have discussed, the Plaza is used by many public groups and gatherings. We expect the following programming to occur in the plaza this week:

Wednesday October 19, 2011 1:30 pm. Science Kick-off is scheduled to occur in the Amphitheater. You will need to allow this group to have access to the amphitheatre.

Thursday October 20, 2011 4 pm. There will be a United Policy holders event in front of City Hall and inside on the Rotunda building. Please respect these groups right to access both areas.

Friday, October 21, 2011 2:30 pm. There is a private wedding scheduled in the Amphitheater area of the Plaza, please respect this ceremony.

Remember, you must not prohibit, impede, or in any other way obstruct the use of the plaza by these groups as they have the same right to access this plaza as you do. Thank you for your cooperation.

Communications on City Web Site

We recognize that the participants in the Occupy Oakland demonstration fluctuate; to facilitate ongoing access to the rules and regulations surrounding use of the Plaza, we have set up a section on the City's home page (www.oaklandnet.com) where we will post these notices for reference.

Thank you for doing your part to ensure that Frank Ogawa Plaza is a safe and healthy place for everyone in our community to enjoy.

DISTRIBUTION DATE: October 16, 2011



CITY OF OAKLAND

MEMORANDUM

**TO: HONORABLE MAYOR &
CITY COUNCIL**

FROM: Arturo Sanchez

**SUBJECT: COMMUNICATION WITH
OCCUPY OAKLAND RE:
PLAZA CONCERNS &
CONDITIONS**

DATE: October 18, 2011

City Administrator **APPROVED**
Approval as of 10:30 a.m. by DJS

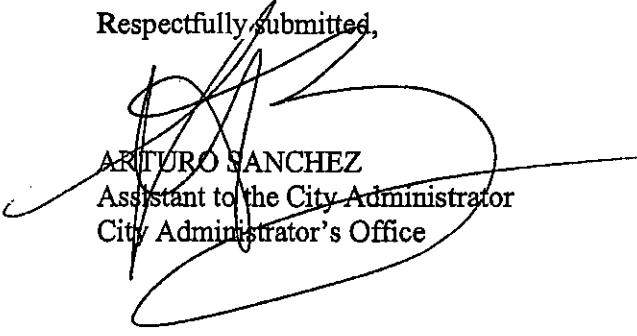
Date: October 18, 2011

INFORMATION

Attached please find a copy of the flyer staff will be distributing this evening to members of the Occupy Oakland encampment today Tuesday, October 18, 2011.

Please feel free to communicate directly with Arturo if you have questions, concerns, or comments at (510) 238-7542.

Respectfully submitted,


ARTURO SANCHEZ
Assistant to the City Administrator
City Administrator's Office

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

ATTENTION
OCCUPY OAKLAND DEMONSTRATORS
Date: October 18, 2011, 10:30 am

The City of Oakland is committed to facilitating peaceful forms of expression and free speech rights, and protecting personal safety and property.

Deconstruction of Structure on Plaza

The notice distributed Sunday October 16, 2011 at approximately 6 pm indicated that we would provide 24 hours to bring down the structure built into the infrastructure of the Plaza. As of now, it appears that the structure has been partially dismantled. We thank you for your attention to this safety hazard. While we appreciate your efforts to comply with this requirement, we request that the structure be completely removed as soon as possible in order to maintain a safe environment. Please be advised that if the structure is not completely removed, the City will complete the dismantling of the structure without further communication.

For future reference, note that structures built in the Plaza are prohibited and do not constitute free speech. Their existence poses a serious health and safety concern for the City. We have repeatedly asked and advised that plaza equipment and infrastructure must be respected. All structures built into the bench alcoves and street furniture, or on Plaza facilities or equipment must be removed. All structures must be removed within 24 hours or the City will make arrangements to remove them. In addition, the use of the electrical outlets in City light posts is strictly prohibited and must cease.

Additional Issues and Complaints Received

The City of Oakland is becoming increasingly concerned about public health, safety, and crowd control related to the Occupy Oakland demonstration. We have heard complaints from City employees, surrounding neighbors and protesters themselves about the following activities:

- ⇒ A medical emergency occurred on the Plaza when an individual fell about 14 feet from a tree, and individuals denied public safety personnel access to the injured person.
 - It is imperative that all first responders (police, fire and ambulance personnel) be granted access to the Plaza at all times to address medical emergencies as well as public health and safety issues.
- ⇒ Children were reported sitting/climbing on the built structure on the Plaza.
 - This poses a significant safety risk. Children must not be allowed to climb or sit on any structure in the Plaza (i.e., poles, planter boxes, trees, or fencing), with the exception of sitting on benches.

- ⇒ Graffiti and vandalism continue.
 - Please help us stop vandalism before it occurs and clean it up when it is spotted.
- ⇒ Public urination.
 - Do not urinate on public facilities, property or outside port-a-potties.
- ⇒ Amplified sound/loud music.
 - Please be considerate of the many occupants in the buildings surrounding the Plaza, many of whom are complaining about noise levels. Please remember that no permit has been issued for music or amplified sound. The City will accommodate amplified sound between 12 and 1 pm or after 5 pm.
- ⇒ Dogs are not permitted in City parks or the Plaza.
 - We have been informed of a dog bite incident.
 - Please make arrangements to have your dogs removed.

The City has also heard complaints about sexual harassment, fighting, public drinking, intoxication, drug use and sex in public. These behaviors are raising the City's concern about the health and well-being of demonstration participants, visitors, employees and the surrounding community alike.

We continue to ask your assistance and cooperation in ensuring that you address these issues and accommodate the needs and rights of all users of the Plaza. Please be mindful that this Plaza is used by the public, employees, and schools. We require these courtesies to peacefully coexist.

Public Programming in Frank Ogawa Plaza this Week

As we have discussed, the Plaza is used by many public groups and gatherings. We expect the following programming to occur in the plaza this week:

Wednesday October 19, 2011 1:30 pm. Science Kick-off is scheduled to occur in the Amphitheater. You will need to allow this group to have access to the amphitheatre.

Thursday October 20, 2011 4 pm. There will be a United Policy holders event in front of City Hall and inside on the Rotunda building. Please respect these groups right to access both areas.

Friday, October 21, 2011 2:30 pm. There is a private wedding scheduled in the Amphitheater area of the Plaza, please respect this ceremony.

Remember, you must not prohibit, impede, or in any other way obstruct the use of the plaza by these groups as they have the same right to access this plaza as you do. Thank you for your cooperation.

Communications on City Web Site

We recognize that the participants in the Occupy Oakland demonstration fluctuate; to facilitate ongoing access to the rules and regulations surrounding use of the Plaza, we have set up a section on the City's home page (www.oaklandnet.com) where we will post these notices for reference.

Thank you for doing your part to ensure that Frank Ogawa Plaza is a safe and healthy place for everyone in our community to enjoy.

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

ATTENTION
OCCUPY OAKLAND DEMONSTRATORS
Date: October 19, 2011, 2:00 pm

The City of Oakland is committed to facilitating peaceful forms of expression and free speech rights, and protecting personal safety and property.

The City of Oakland has been communicating with you about the various public health and safety issues we have observed or that have been reported to us. In an effort to maintain ongoing communication about the City's primary concerns about public health, safety, and crowd control related to the demonstration, additional effort is required to address these concerns and complaints:

⇒ **Fire Safety**

- Propane or butane canisters and tanks are not being appropriately stored/disposed of, which poses a safety risk. Empty canisters and tanks must be removed and properly disposed of
- Stacks of wood located throughout the camp also represent a fire hazard and must be removed.
- Fire extinguishers must be installed near the cooking areas.
- Communication regarding additional fire safety issues that may be identified following a fire inspection today may be forthcoming.

⇒ **Cooking**

- Food must be properly stored to minimize the attraction of rats. We are concerned that food and open food containers are exacerbating an existing rat problem which must be addressed to protect public health in and around the Plaza and downtown.

⇒ **Soil Deliveries**

- We have observed boxes of dirt being carted in to the Plaza area.
- Deliveries of soil or items other than water or food are not permitted.

⇒ **Trespassing in City Buildings**

- This morning an individual was caught inside a utility room in a City building pilfering through City property. City Hall restrooms and offices are open to the public during normal business hours, but trespassing or removal of City property is illegal.

⇒ **Graffiti and Vandalism**

- City crews are cleaning up graffiti and repairing damage to the Plaza on a daily basis.
- The Plaza is a publicly programmed space and needs to be maintained free of vandalism and graffiti for others that use it.
- Help us stop vandalism before it occurs and clean it up when it is spotted.

⇒ **Public Urination**

- Do not urinate on public facilities, property or outside port-a-potties.

⇒ **Amplified Sound/Music**

- The City continues to receive complaints about noise levels in the Plaza.
- Sound permits are required for amplified sound in the Plaza. These may be obtained by contacting Arturo Sanchez at (510) 238-7542 or asanchez@oaklandnet.com.
- Sound permits will only be granted for the hours between 12 and 1 pm, or after 5 pm.

⇒ Dogs

- Dogs are not permitted in the Plaza or City parks and must be removed.

The City has also heard complaints about sexual harassment, fighting, public drinking, intoxication, drug use and sex in public. These behaviors are raising the City's concern about the health and well-being of demonstration participants, visitors, employees, and the surrounding community alike.

We continue to ask your assistance and cooperation in ensuring that you address these issues and accommodate the needs and rights of all users of the Plaza. Please be mindful that this Plaza is used by the public, employees, and schools. We require these courtesies to peacefully coexist.

Violence will not be Tolerated

Yesterday afternoon, the City distributed a flyer informing demonstrators that the Oakland Police Department would be facilitating a march at 5pm that started at 14th and Broadway; the intent of the flyer was to assure demonstrators that OPD was not assembling to take action against the Plaza protestors.

Some Occupy Oakland demonstrators responded to the flyer with hostility and threats of violence and riots. In addition, we have received complaints about threatening, intimidating, hostile behavior towards the public, City employees, and members of the news media.

The City of Oakland is committed to facilitating *peaceful* expressions of free speech rights. However, we will not tolerate riots, vandalism, destruction of property, attempted riots, or violence towards the public, employees, the media or the police. These actions would threaten public health and safety, and would compromise the current accommodations enjoyed by demonstrators.

Public Programming in Frank Ogawa Plaza this Week

As we have discussed, the Plaza is used by many public groups and gatherings. We expect the following programming to occur in the plaza this week:

Thursday October 20, 2011 4 pm. There will be a United Policyholders event in front of City Hall and inside on the Rotunda building. Please respect these groups' right to access both areas.

Friday, October 21, 2011 2:30 pm. There is a private wedding scheduled in the Amphitheater area of the Plaza; please respect this ceremony.

Remember, you must not prohibit, impede, or in any other way obstruct the use of the plaza by these groups as they have the same right to access this plaza as you do. Thank you for your cooperation.

Communications on City Web Site

We recognize that the participants in the Occupy Oakland demonstration fluctuate; to facilitate ongoing access to the rules and regulations surrounding use of the Plaza, we have set up a section on the City's home page (www.oaklandnet.com) where we will post these notices for reference.

Thank you for doing your part to ensure that Frank Ogawa Plaza is a safe and healthy place for everyone in our community to enjoy.



DISTRIBUTION DATE: October 19, 2011

MEMORANDUM

**TO: HONORABLE MAYOR &
CITY COUNCIL**

**SUBJECT: COMMUNICATION WITH
OCCUPY OAKLAND RE:
PLAZA CONCERNS &
CONDITIONS**

FROM: Arturo Sanchez

DATE: October 19, 2011

City Administrator
Approval

APPROVED
as of 4:30 p.m. by DJS

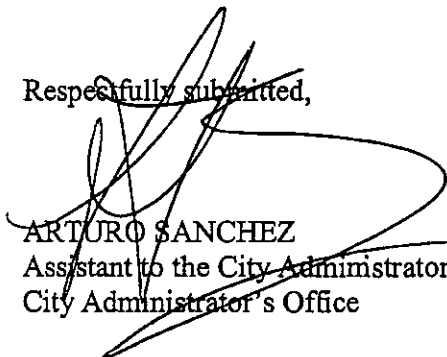
Date: October 19, 2011

INFORMATION

Attached please find a copy of the flyer staff will be distributing this evening to members of the Occupy Oakland encampment today Wednesday, October 19, 2011.

Please feel free to communicate directly with Arturo if you have questions, concerns, or comments at (510) 238-7542.

Respectfully submitted,


ARTURO SANCHEZ
Assistant to the City Administrator
City Administrator's Office

CITY of OAKLAND
City Administrator's Office



CITY HALL ■ 1 Frank H. Ogawa Plaza ■ 11th FLOOR ■ OAKLAND, CALIFORNIA 94612

ATTENTION
OCCUPY OAKLAND DEMONSTRATORS
Date: October 19, 2011, 2:00 pm

The City of Oakland is committed to facilitating peaceful forms of expression and free speech rights, and protecting personal safety and property.

The City of Oakland has been communicating with you about the various public health and safety issues we have observed or that have been reported to us. In an effort to maintain ongoing communication about the City's primary concerns about public health, safety, and crowd control related to the demonstration, additional effort is required to address these concerns and complaints:

⇒ **Fire Safety**

- Propane or butane canisters and tanks are not being appropriately stored/disposed of, which poses a safety risk. Empty canisters and tanks must be removed and properly disposed of.
- Stacks of wood located throughout the camp also represent a fire hazard and must be removed.
- Fire extinguishers must be installed near the cooking areas.
- Communication regarding additional fire safety issues that may be identified following a fire inspection today may be forthcoming.

⇒ **Cooking**

- Food must be properly stored to minimize the attraction of rats. We are concerned that food and open food containers are exacerbating an existing rat problem which must be addressed to protect public health in and around the Plaza and downtown.

⇒ **Soil Deliveries**

- We have observed boxes of dirt being carted in to the Plaza area.
- Deliveries of soil or items other than water or food are not permitted.

⇒ **Trespassing in City Buildings**

- This morning an individual was caught inside a utility room in a City building pilfering through City property. City Hall restrdms and offices are open to the public during normal business hours, but trespassing or removal of City property is illegal.

⇒ **Graffiti and Vandalism**

- City crews are cleaning up graffiti and repairing damage to the Plaza on a daily basis.
- The Plaza is a publicly programmed space and needs to be maintained free of vandalism and graffiti for others that use it.
- Help us stop vandalism before it occurs and clean it up when it is spotted.

⇒ **Public Urination**

- Do not urinate on public facilities, property or outside port-a-potties.

⇒ **Amplified Sound/Music**

- The City continues to receive complaints about noise levels in the Plaza.
- Sound permits are required for amplified sound in the Plaza. These may be obtained by contacting Arturo Sanchez at (510) 238-7542 or asanchez@oaklandnet.com.
- Sound permits will only be granted for the hours between 12 and 1 pm, or after 5 pm.

⇒ Dogs

- Dogs are not permitted in the Plaza or City parks and must be removed.

The City has also heard complaints about sexual harassment, fighting, public drinking, intoxication, drug use and sex in public. These behaviors are raising the City's concern about the health and well-being of demonstration participants, visitors, employees, and the surrounding community alike.

We continue to ask your assistance and cooperation in ensuring that you address these issues and accommodate the needs and rights of all users of the Plaza. Please be mindful that this Plaza is used by the public, employees, and schools. We require these courtesies to peacefully coexist.

Violence will not be Tolerated

Yesterday afternoon, the City distributed a flyer informing demonstrators that the Oakland Police Department would be facilitating a march at 5pm that started at 14th and Broadway; the intent of the flyer was to assure demonstrators that OPD was not assembling to take action against the Plaza protestors.

Some Occupy Oakland demonstrators responded to the flyer with hostility and threats of violence and riots. In addition, we have received complaints about threatening, intimidating, hostile behavior towards the public, City employees, and members of the news media.

The City of Oakland is committed to facilitating *peaceful* expressions of free speech rights. However, we will not tolerate riots, vandalism, destruction of property, attempted riots, or violence towards the public, employees, the media or the police. These actions would threaten public health and safety, and would compromise the current accommodations enjoyed by demonstrators.

Public Programming in Frank Ogawa Plaza this Week

As we have discussed, the Plaza is used by many public groups and gatherings. We expect the following programming to occur in the plaza this week:

Thursday October 20, 2011 4 pm. There will be a United Policyholders event in front of City Hall and inside on the Rotunda building. Please respect these groups' right to access both areas.

Friday, October 21, 2011 2:30 pm. There is a private wedding scheduled in the Amphitheater area of the Plaza; please respect this ceremony.

Remember, you must not prohibit, impede, or in any other way obstruct the use of the plaza by these groups as they have the same right to access this plaza as you do. Thank you for your cooperation.

Communications on City Web Site

We recognize that the participants in the Occupy Oakland demonstration fluctuate; to facilitate ongoing access to the rules and regulations surrounding use of the Plaza, we have set up a section on the City's home page (www.oaklandnet.com) where we will post these notices for reference.

Thank you for doing your part to ensure that Frank Ogawa Plaza is a safe and healthy place for everyone in our community to enjoy.

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

ATTENTION DEMONSTRATORS

Date: October 20, 2011, 8:00 pm

NOTICE TO VACATE FRANK OGAWA PLAZA

The City of Oakland is committed to facilitating peaceful forms of expression and free speech rights, and protecting personal safety and property.

From the outset of the demonstration on October 10, the City of Oakland has maintained its commitment to facilitating the peaceful expression of First Amendment rights, balanced with the City's equal commitment to protecting and maintaining public safety, public health, and crowd control. While demonstrators have a right to peaceful expression, the City has a responsibility to ensure a public health and safety plan during such events.

During the past 10 days, City officials have provided written documentation—handed out in person and posted on the City's web site—outlining specific public health, safety, and crowd control issues to be addressed by demonstrators.

We believe that after 10 days, the City can no longer uphold public health and safety. In recent days, camp conditions and occupants' behavior have significantly deteriorated, and it is no longer manageable to maintain a public health and safety plan. These conditions, which have not been sufficiently addressed, include:

- **Fire hazards:** cooking with open flame, improper storage and disposal of propane tanks, storage of grease, inadequate fire extinguishers, density of tents and flammable materials, smoking in tents, piles of hay and wood
- **Safety hazards:** increasing frequency of violence, assaults, threats and intimidation
- **Denial of access:** to emergency personnel to treat injured persons and to police to patrol the Plaza
- **Sanitation hazards:** public urination and defecation, litter, improper food preparation and storage practices
- **Health hazards:** existing rodent problem has been exacerbated and is endangering public health. County vector control is unable to implement measures to control the rat population under current conditions
- **Physical damage:** graffiti, vandalism and other damage to Plaza infrastructure and the historic tree
- **Disruption of the Plaza for public use:** some events for groups who have complied with City regulations have been reprogrammed or relocated

As a result of these serious conditions, the Administration has determined that facilitating this expression of speech is no longer viable, nor in the interest of public health and safety. Peaceful daytime assembly will continue to be allowed between 6 am and 10 pm daily. No tents or overnight camping permitted.

Orologas, Alexandra

From: Boyd, Karen
Sent: Thursday, October 20, 2011 7:38 PM
To: DL - City Council; DL - Mayor's Staff; DL - CAO Managers
Subject: Latest bulletin to Plaza demonstrators
Attachments: Occupy Oakland Flyer Thursday October 20.pdf

Dear Mayor Quan, Council President Reid and Members of the City Council,

On behalf of City Administrator Santana, attached please find the most recent notice to Plaza demonstrators communicating the need to vacate the Plaza as result of deteriorating public health and safety conditions.

Sincerely,

Karen Boyd

Citywide Communications Director
Assistant to the City Administrator
City of Oakland
tel: (510) 238-6365
email: kboyd@oaklandnet.com

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

ATTENTION DEMONSTRATORS

Date: October 20, 2011, 8:00 pm

NOTICE TO VACATE FRANK OGAWA PLAZA

The City of Oakland is committed to facilitating peaceful forms of expression and free speech rights, and protecting personal safety and property.

From the outset of the demonstration on October 10, the City of Oakland has maintained its commitment to facilitating the peaceful expression of First Amendment rights, balanced with the City's equal commitment to protecting and maintaining public safety, public health, and crowd control. While demonstrators have a right to peaceful expression, the City has a responsibility to ensure a public health and safety plan during such events.

During the past 10 days, City officials have provided written documentation—handed out in person and posted on the City's web site—outlining specific public health, safety, and crowd control issues to be addressed by demonstrators.

We believe that after 10 days, the City can no longer uphold public health and safety. In recent days, camp conditions and occupants' behavior have significantly deteriorated, and it is no longer manageable to maintain a public health and safety plan. These conditions, which have not been sufficiently addressed, include:

- **Fire hazards:** cooking with open flame, improper storage and disposal of propane tanks, storage of grease, inadequate fire extinguishers, density of tents and flammable materials, smoking in tents, piles of hay and wood
- **Safety hazards:** increasing frequency of violence, assaults, threats and intimidation
- **Denial of access:** to emergency personnel to treat injured persons and to police to patrol the Plaza
- **Sanitation hazards:** public urination and defecation, litter, improper food preparation and storage practices
- **Health hazards:** existing rodent problem has been exacerbated and is endangering public health. County vector control is unable to implement measures to control the rat population under current conditions
- **Physical damage:** graffiti, vandalism and other damage to Plaza infrastructure and the historic tree
- **Disruption of the Plaza for public use:** some events for groups who have complied with City regulations have been reprogrammed or relocated

As a result of these serious conditions, the Administration has determined that facilitating this expression of speech is no longer viable, nor in the interest of public health and safety. Peaceful daytime assembly will continue to be allowed between 6 am and 10 pm daily. No tents or overnight camping permitted.

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

**ATTENTION TO
PERSONS STAYING OVERNIGHT IN FRANK OGAWA PLAZA
Date: October 21, 2011**

**NOTICE OF VIOLATIONS
AND
DEMAND TO CEASE VIOLATIONS**

THIS NOTICE SUPERSEDES ALL PREVIOUS NOTICES

The City of Oakland and its police department support and protect the right of all individuals to engage in free speech and their right to assemble. However, this encampment is a violation of the law.

You do not have permission to lodge overnight in Frank Ogawa Plaza. You must remove all tents, sleeping bags, tarps, cooking facilities and equipment and any other lodging material from the Plaza immediately. Your continued use of the Plaza for overnight lodging will subject you to arrest.

Your activities are injurious to health, obstruct the free use of property, interfering with the comfortable enjoyment of the Plaza, and unlawfully obstruct the free passage or use of a public park or square. (California Penal Code sections 370 and 647(e) and Civil Code section 3479.) You must allow all persons, including Oakland Police officers and other emergency personnel, access to all areas of the Plaza at all times.

You are making fires in a public park in violation of OMC 12.64.160. You must remove all barbecues and stoves.

**YOUR CONTINUED VIOLATION OF THESE LAWS WILL SUBJECT YOU TO
ADMINISTRATIVE PENALTIES, CIVIL PENALTIES, CITATION, AND IMMEDIATE ARREST.**

**YOUR CONTINUED VIOLATION OF THE LAW WILL SUBJECT YOUR TENTS, STOVES,
SLEEPING BAGS, TARPS, AND ANY OTHER BELONGINGS LEFT IN THE PLAZA TO
IMMEDIATE REMOVAL FROM THE PLAZA BY THE CITY OF OAKLAND.**



**ATTENTION TO
PERSONS STAYING OVERNIGHT IN SNOW PARK
Date: October 21, 2011**

**NOTICE OF VIOLATIONS
AND
DEMAND TO CEASE VIOLATIONS**

THIS NOTICE SUPERSEDES ALL PREVIOUS NOTICES

The City of Oakland and its police department support and protect the right of all individuals to engage in free speech and their right to assemble. However, this encampment is a violation of the law.

You do not have permission to lodge overnight in Snow Park. You must remove all tents, sleeping bags, tarps, cooking facilities and equipment and any other lodging material from the Park immediately. Your continued use of the Park for overnight lodging will subject you to arrest.

Your activities are injurious to health, obstruct the free use of property, interfering with the comfortable enjoyment of the Park, and unlawfully obstruct the free passage or use of a public park or square. (California Penal Code sections 370 and 647(e) and Civil Code section 3479.) You must allow all persons, including Oakland Police officers and other emergency personnel, access to all areas of the Park at all times.

You are making fires in a public park in violation of OMC 12.64.160. You must remove all barbecues and stoves.

**YOUR CONTINUED VIOLATION OF THESE LAWS WILL SUBJECT YOU TO
ADMINISTRATIVE PENALTIES, CIVIL PENALTIES, CITATION, AND IMMEDIATE ARREST.**

**YOUR CONTINUED VIOLATION OF THE LAW WILL SUBJECT YOUR TENTS, STOVES,
SLEEPING BAGS, TARPS, AND ANY OTHER BELONGINGS LEFT IN THE PARK TO
IMMEDIATE REMOVAL FROM THE PARK BY THE CITY OF OAKLAND.**

CITY of OAKLAND
City Administrator's Office



CITY HALL ■ 1 Frank H. Ogawa Plaza ■ 11th FLOOR ■ OAKLAND, CALIFORNIA 94612

ATTENTION PERSONS STAYING OVERNIGHT IN FRANK OGAWA PLAZA
Date: October 21, 2011, 7:00 pm

AVAILABILITY OF HOMELESS SERVICES

To facilitate your compliance with today's notice to cease overnight camping in Frank Ogawa Plaza, the City of Oakland's homeless services team has made arrangements to provide overnight shelter and meals to the homeless population. The following assistance is available:

- Operation Dignity will conduct outreach services between the hours of 6 and 8 pm.
- Arrangements can be made for overnight shelter at a nearby facility.
- Meal service will be available at the shelter location.
- Referrals and other assistance will be offered by the homeless service care team.

If you need further assistance, please contact Operation Dignity at (510) 287-8465.

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

**ATTENTION TO
PERSONS STAYING OVERNIGHT IN FRANK OGAWA PLAZA**
Date: October 22, 2011

**NOTICE OF VIOLATIONS
AND
DEMAND TO CEASE VIOLATIONS**

THIS NOTICE SUPERSEDES ALL PREVIOUS NOTICES

The City of Oakland and its police department support and protect the right of all individuals to engage in free speech and their right to assemble. However, this encampment is a violation of the law.

You do not have permission to lodge overnight in Frank Ogawa Plaza. You must remove all tents, sleeping bags, tarps, cooking facilities and equipment and any other lodging material from the Plaza immediately. Your continued use of the Plaza for overnight lodging will subject you to arrest.

Your activities are injurious to health, obstruct the free use of property, interfering with the comfortable enjoyment of the Plaza, and unlawfully obstruct the free passage or use of a public park or square. (California Penal Code sections 370 and 647(e) and Civil Code section 3479.) You must allow all persons, including Oakland Police officers and other emergency personnel, access to all areas of the Plaza at all times.

You are making fires in a public park in violation of OMC 12.64.160. You must remove all barbecues and stoves.

**YOUR CONTINUED VIOLATION OF THESE LAWS WILL SUBJECT YOU TO
ADMINISTRATIVE PENALTIES, CIVIL PENALTIES, CITATION, AND IMMEDIATE ARREST.**

**YOUR CONTINUED VIOLATION OF THE LAW WILL SUBJECT YOUR TENTS, STOVES,
SLEEPING BAGS, TARPS, AND ANY OTHER BELONGINGS LEFT IN THE PLAZA TO
IMMEDIATE REMOVAL FROM THE PLAZA BY THE CITY OF OAKLAND.**

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

**ATTENTION TO
PERSONS STAYING OVERNIGHT IN SNOW PARK
Date: October 22, 2011**

**NOTICE OF VIOLATIONS
AND
DEMAND TO CEASE VIOLATIONS**

THIS NOTICE SUPERSEDES ALL PREVIOUS NOTICES

The City of Oakland and its police department support and protect the right of all individuals to engage in free speech and their right to assemble. However, this encampment is a violation of the law.

You do not have permission to lodge overnight in Snow Park. You must remove all tents, sleeping bags, tarps, cooking facilities and equipment and any other lodging material from the Park immediately. Your continued use of the Park for overnight lodging will subject you to arrest.

Your activities are injurious to health, obstruct the free use of property, interfering with the comfortable enjoyment of the Park, and unlawfully obstruct the free passage or use of a public park or square. (California Penal Code sections 370 and 647(e) and Civil Code section 3479.) You must allow all persons, including Oakland Police officers and other emergency personnel, access to all areas of the Park at all times.

You are making fires in a public park in violation of OMC 12.64.160. You must remove all barbecues and stoves.

**YOUR CONTINUED VIOLATION OF THESE LAWS WILL SUBJECT YOU TO
ADMINISTRATIVE PENALTIES, CIVIL PENALTIES, CITATION, AND IMMEDIATE ARREST.**

**YOUR CONTINUED VIOLATION OF THE LAW WILL SUBJECT YOUR TENTS, STOVES,
SLEEPING BAGS, TARPS, AND ANY OTHER BELONGINGS LEFT IN THE PARK TO
IMMEDIATE REMOVAL FROM THE PARK BY THE CITY OF OAKLAND.**

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

ATTENTION PERSONS STAYING OVERNIGHT IN FRANK OGAWA PLAZA

Date: October 22, 2011, 11:30 am

AVAILABILITY OF HOMELESS SERVICES

To facilitate your compliance with today's notice to cease overnight camping in Frank Ogawa Plaza, the City of Oakland's homeless services team has made arrangements to provide overnight shelter and meals to the homeless population. The following assistance is available:

- Operation Dignity will conduct outreach services between the hours of 6 and 8 pm.
- Arrangements can be made for overnight shelter at a nearby facility.
- Meal service will be available at the shelter location.
- Referrals and other assistance will be offered by the homeless service care team.

If you need further assistance, please contact Operation Dignity at (510) 287-8465.

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

ATTENTION PERSONS STAYING OVERNIGHT IN SNOW PARK

Date: October 22, 2011, 11:30 am

AVAILABILITY OF HOMELESS SERVICES

To facilitate your compliance with today's notice to cease overnight camping in Frank Ogawa Plaza, the City of Oakland's homeless services team has made arrangements to provide overnight shelter and meals to the homeless population. The following assistance is available:

- Operation Dignity will conduct outreach services between the hours of 6 and 8 pm.
- Arrangements can be made for overnight shelter at a nearby facility.
- Meal service will be available at the shelter location.
- Referrals and other assistance will be offered by the homeless service care team.

If you need further assistance, please contact Operation Dignity at (510) 287-8465.



**ATTENTION TO
PERSONS STAYING OVERNIGHT IN FRANK OGAWA PLAZA
Date: October 23, 2011**

**NOTICE OF VIOLATIONS
AND
DEMAND TO CEASE VIOLATIONS**

THIS NOTICE SUPERSEDES ALL PREVIOUS NOTICES

The City of Oakland and its police department support and protect the right of all individuals to engage in free speech and their right to assemble. However, this encampment is a violation of the law.

You do not have permission to lodge overnight in Frank Ogawa Plaza. You must remove all tents, sleeping bags, tarps, cooking facilities and equipment and any other lodging material from the Plaza immediately. Your continued use of the Plaza for overnight lodging will subject you to arrest.

Your activities are injurious to health, obstruct the free use of property, interfering with the comfortable enjoyment of the Plaza, and unlawfully obstruct the free passage or use of a public park or square. (California Penal Code sections 370 and 647(e) and Civil Code section 3479.) You must allow all persons, including Oakland Police officers and other emergency personnel, access to all areas of the Plaza at all times.

You are making fires in a public park in violation of OMC 12.64.160. You must remove all barbecues and stoves.

**YOUR CONTINUED VIOLATION OF THESE LAWS WILL SUBJECT YOU TO
ADMINISTRATIVE PENALTIES, CIVIL PENALTIES, CITATION, AND IMMEDIATE ARREST.**

**YOUR CONTINUED VIOLATION OF THE LAW WILL SUBJECT YOUR TENTS, STOVES,
SLEEPING BAGS, TARPS, AND ANY OTHER BELONGINGS LEFT IN THE PLAZA TO
IMMEDIATE REMOVAL FROM THE PLAZA BY THE CITY OF OAKLAND.**

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

**ATTENTION TO
PERSONS STAYING OVERNIGHT IN SNOW PARK
Date: October 23, 2011**

**NOTICE OF VIOLATIONS
AND
DEMAND TO CEASE VIOLATIONS**

THIS NOTICE SUPERSEDES ALL PREVIOUS NOTICES

The City of Oakland and its police department support and protect the right of all individuals to engage in free speech and their right to assemble. However, this encampment is a violation of the law.

You do not have permission to lodge overnight in Snow Park. You must remove all tents, sleeping bags, tarps, cooking facilities and equipment and any other lodging material from the Park immediately. Your continued use of the Park for overnight lodging will subject you to arrest.

Your activities are injurious to health, obstruct the free use of property, interfering with the comfortable enjoyment of the Park, and unlawfully obstruct the free passage or use of a public park or square. (California Penal Code sections 370 and 647(e) and Civil Code section 3479.) You must allow all persons, including Oakland Police officers and other emergency personnel, access to all areas of the Park at all times.

You are making fires in a public park in violation of OMC 12.64.160. You must remove all barbecues and stoves.

**YOUR CONTINUED VIOLATION OF THESE LAWS WILL SUBJECT YOU TO
ADMINISTRATIVE PENALTIES, CIVIL PENALTIES, CITATION, AND IMMEDIATE ARREST.**

**YOUR CONTINUED VIOLATION OF THE LAW WILL SUBJECT YOUR TENTS, STOVES,
SLEEPING BAGS, TARPS, AND ANY OTHER BELONGINGS LEFT IN THE PARK TO
IMMEDIATE REMOVAL FROM THE PARK BY THE CITY OF OAKLAND.**

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

ATTENTION PERSONS STAYING OVERNIGHT IN FRANK OGAWA PLAZA

Date: October 23, 2011, 10:30 am

AVAILABILITY OF HOMELESS SERVICES

To facilitate your compliance with today's notice to cease overnight camping in Frank Ogawa Plaza, the City of Oakland's homeless services team has made arrangements to provide overnight shelter and meals to the homeless population. The following assistance is available:

- Operation Dignity will conduct outreach services between the hours of 6 and 8 pm.
- Arrangements can be made for overnight shelter at a nearby facility.
- Meal service will be available at the shelter location.
- Referrals and other assistance will be offered by the homeless service care team.

If you need further assistance, please contact Operation Dignity at (510) 287-8465.

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

ATTENTION PERSONS STAYING OVERNIGHT IN SNOW PARK

Date: October 23, 2011, 11:00 am

AVAILABILITY OF HOMELESS SERVICES

To facilitate your compliance with today's notice to cease overnight camping in Frank Ogawa Plaza, the City of Oakland's homeless services team has made arrangements to provide overnight shelter and meals to the homeless population. The following assistance is available:

- Operation Dignity will conduct outreach services between the hours of 6 and 8 pm.
- Arrangements can be made for overnight shelter at a nearby facility.
- Meal service will be available at the shelter location.
- Referrals and other assistance will be offered by the homeless service care team.

If you need further assistance, please contact Operation Dignity at (510) 287-8465.

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

**ATTENTION TO
PERSONS STAYING OVERNIGHT IN FRANK OGAWA PLAZA
Date: October 24, 2011**

**NOTICE OF VIOLATIONS
AND
DEMAND TO CEASE VIOLATIONS**

The City of Oakland and its police department support and protect the right of all individuals to engage in free speech and their right to assemble. However, this encampment is a violation of the law.

You do not have permission to lodge overnight in Frank Ogawa Plaza. You must remove all tents, sleeping bags, tarps, cooking facilities and equipment and any other lodging material from the Plaza immediately. Your continued use of the Plaza for overnight lodging will subject you to arrest.

Your activities are injurious to health, obstruct the free use of property, interfering with the comfortable enjoyment of the Plaza, and unlawfully obstruct the free passage or use of a public park or square. (California Penal Code sections 370 and 647(e) and Civil Code section 3479.) You must allow all persons, including Oakland Police officers and other emergency personnel, access to all areas of the Plaza at all times.

You are making fires in a public park in violation of OMC 12.64.160. You must remove all barbecues and stoves.

**YOUR CONTINUED VIOLATION OF THESE LAWS WILL SUBJECT YOU TO
ADMINISTRATIVE PENALTIES, CIVIL PENALTIES, CITATION, AND IMMEDIATE ARREST.**

**YOUR CONTINUED VIOLATION OF THE LAW WILL SUBJECT YOUR TENTS, STOVES,
SLEEPING BAGS, TARPS, AND ANY OTHER BELONGINGS LEFT IN THE PLAZA TO
IMMEDIATE REMOVAL FROM THE PLAZA BY THE CITY OF OAKLAND.**



**ATTENTION TO
PERSONS STAYING OVERNIGHT IN SNOW PARK
Date: October 24, 2011**

**NOTICE OF VIOLATIONS
AND
DEMAND TO CEASE VIOLATIONS**

The City of Oakland and its police department support and protect the right of all individuals to engage in free speech and their right to assemble. However, this encampment is a violation of the law.

You do not have permission to lodge overnight in Snow Park. You must remove all tents, sleeping bags, tarps, cooking facilities and equipment and any other lodging material from the Park immediately. Your continued use of the Park for overnight lodging will subject you to arrest.

Your activities are injurious to health, obstruct the free use of property, interfering with the comfortable enjoyment of the Park, and unlawfully obstruct the free passage or use of a public park or square. (California Penal Code sections 370 and 647(e) and Civil Code section 3479.) You must allow all persons, including Oakland Police officers and other emergency personnel, access to all areas of the Park at all times.

**YOUR CONTINUED VIOLATION OF THESE LAWS WILL SUBJECT YOU TO
ADMINISTRATIVE PENALTIES, CIVIL PENALTIES, CITATION, AND IMMEDIATE ARREST.**

**YOUR CONTINUED VIOLATION OF THE LAW WILL SUBJECT YOUR TENTS, STOVES,
SLEEPING BAGS, TARPS, AND ANY OTHER BELONGINGS LEFT IN THE PARK TO
IMMEDIATE REMOVAL FROM THE PARK BY THE CITY OF OAKLAND.**

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

ATTENTION PERSONS STAYING OVERNIGHT IN FRANK OGAWA PLAZA
Date: October 24 2011, 11:00 am

AVAILABILITY OF SERVICES

Overnight Lodging

To facilitate your compliance with the notices to cease overnight camping in Frank Ogawa Plaza, the City of Oakland's homeless services team has made arrangements to provide overnight shelter and meals. The following assistance is available:

- Operation Dignity will conduct outreach services between the hours of 6 and 8 pm.
- Arrangements can be made for overnight shelter at a nearby facility.
- Meal service will be available at the shelter location.
- Referrals and other assistance will be offered by the homeless service care team.

If you need further assistance, please contact Operation Dignity at (510) 287-8465.

Medical Assessment

At City's request, be advised that we are coordinating with County Public Health and Environmental Health for site visits and assessments. We hope to provide mobile services some time today. In addition to the above services, here are additional services that you can call.

Alameda County Services available to Occupy Oakland individuals:

Behavioral Health Services ACCESS line	800 - 491-9099
Public Health Clearing House	888 -- 604-4636
2-1-1 - Countywide 24/7 referral line	211
Emergency situations to activate EMS	911

Fire Hazards

In order to facilitate your compliance with immediate life threatening conditions of which you have been advised, the Oakland Fire Department (OFD) will pick up Hazardous materials such as propane/butane tanks, cooking oil, and other flammable materials. Please place all flammable and hazardous materials on the 14th Street side curb near the bus shelter on the City Hall side of the Shelter by 2pm.

OFD will pick such material no later than **3pm today Monday October 24, 2011.**

The above services are provided to facilitate your compliance with the City's cease overnight camping.



To recover items left in City of Oakland Parks or taken from subjects taken into custody please follow below instructions:

Item Description	Who will have the item and how long before it is disposed of:	Who to contact to get it back:
Items taken from your person for safekeeping. You will have received a pink receipt. These are items that are not considered evidence or illegal and that the jail refuses to store for the arrestee.	These items were recovered by the Oakland Police Department and will only be held 60 days before being disposed of.	Contact the Oakland Police Department Property and Evidence Unit at (510)238-3874 to make an appointment. (Information and contact info is on the pink receipt.)
Contraband and items taken as evidence.	These items were recovered by the Oakland Police Department and will be held until released by an investigator or a court order is issued releasing the item.	Contact the Oakland Police Department Criminal Investigation Division at (510)238-3951 to inquire about a release.
Large bulk items left behind in a park: such as tents, bedding, clothing, toiletries, bicycles, furniture, books, kitchen items...	These items were recovered by Public Works Agency and will be only held for 30 Days.	Contact the Oakland Public Works Agency at (510) 615-5566 between 9:00 a.m. to 3:00 p.m. to make arrangements to claim the items.
Small Valuables left behind in a park: cell phones, computers, computers, wallets, musical instruments... etc	These items were recovered by the Oakland Police Department and will only be held 90 days before being disposed of.	Contact the Oakland Police Department Property and Evidence Unit at (510)238-3874 to make an appointment to get it back.
Animals	Animals were impounded by Oakland Animal Services.	Contact the Oakland Animal Services at (510)535-5602 to make arrangements to claim the animal.

2011 NOV -1 PM 1:46

DRAFT
Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER NADEL

Resolution Supporting The Occupy Wall Street Protest Movement, Declaring That City Continues To Unequivocally Embrace The First Amendment To The U.S. Constitution And The City's Duty To Uphold The People's Right To Peaceful Assembly And Urging Mayor Jean Quan To Collaborate With "Occupy Oakland" To Develop Measures And Procedures To Ensure Safety Of The Protestors, Their Supporters, City Employees And The Greater Public

WHEREAS, "Occupy Wall Street" was formed by a broad spectrum of people coming together to protest the corporate-serving economic and political system controlled by the one percent (1%), profiting at the expense of ninety-nine percent (99%) of the people; and

WHEREAS, three years after the current financial crisis caused by Wall Street speculators and profiteers, the unemployment rate in the United States is still at the highest level since the Great Depression with the unemployment rate in Oakland reaching double digits; and;

WHEREAS, the United States' major banking institutions, which have been bailed-out by the government and United States taxpayers, have done little to prevent massive foreclosure of residential properties or support the revitalization of local economies by sustaining small businesses; and

WHEREAS, since 2008, there have been 1.2 million foreclosures in California, with 10,000 completed foreclosures in Oakland alone since January 2007; and

WHEREAS, The "Occupy Wall Street" protest movement has struck a chord with the people of the United States and around the world, inspiring over 900 similar protests and solidarity actions across the country, where tens of thousands of people have come out to express their deep indignation against Wall Street greed and systemic socio-economic injustices; and

WHEREAS, the "Occupy" demonstrations are a rapidly growing movement of people from all walks of life with the goal of occupying public space in order to create a shared dialogue and assert demands for economic justice; and

4

**SPECIAL
ORA/COUNCIL**

WHEREAS, the “Occupy” demonstrations have been supported by the California Nurses Association/National Nurses Association, American Federation of Labor - Congress of Industrial Organizations, Change to Win, International Longshore and Warehouse Union-International, Teamsters Joint Council 7, Services Employees International Union, Laborers International Union of North America, and many others; and

WHEREAS, the “Occupy Oakland” demonstrations began in September with small gatherings of people and have since grown and gained support from thousands of individuals, community and faith-based organizations, and unions; and

WHEREAS, similar to demonstrations in hundreds of cities across the United States, “Occupy Oakland” demonstrators are asserting their rights to free speech and peaceful assembly 24 hours a day, seven days a week, in order to create public dialogue around corporate control of the political process and public space; and

WHEREAS, numerous and various groups continued to join the protesters at “Occupy Oakland”; and

WHEREAS, the City of Oakland has a right and duty to take actions and establish procedures with the goal of ensuring the safety and security of the general public including but not limited to the protestors and their supporters; and

WHEREAS, during period of the protests, the City removed food, tents, sleeping bags, and other belongings from the grass area of Frank H. Ogawa Plaza; and

WHEREAS, some members of the public have suffered injuries and some members of the public have been arrested during the period of the protests; and

WHEREAS, the City has a lengthy and proud history of political protest and has upheld the rights of people to free speech, freedom of assembly, and peaceful protest; and,

WHEREAS, members of the Oakland Police Department and other City employees and officers, the protestors, their supporters, the overwhelming majority of Oakland residents, business owners and their employees and Oakland visitors are all part of the 99%, and the Oakland City Council desires that all of these entities, groups and people act in solidarity to focus on the economic and social inequities in our society, and does not want to see the power of the movement undercut by splintering and pitting people, who share the same status and goals, against each other; and

WHEREAS, the City Council desires that the Mayor set a tone of cooperation and collaboration with “Occupy Oakland” protestors and supporters, in addressing any public safety, health and sanitation concerns; now, therefore, be it

RESOLVED, That the Oakland City Council supports the "Occupy Wall Street" protest movement and the rights of all who protest to assemble peacefully and enjoy free speech in the City of Oakland; and, be it

FURTHER RESOLVED, That the Oakland City Council recognizes that Free Speech and Freedom of Assembly is a sacred right under the U.S. Constitution; and, be it

FURTHER RESOLVED, That the Oakland City Council urges Mayor Jean Quan to direct the Recreation and Park Department, the Department of Public Works, the Police Department, and other City agencies, as relevant, to collaborate with protestors for the safe and lawful use of public spaces, in which demonstrators can exercise their First Amendment rights and the City can address safety concerns and laws in a cooperative manner; and, be it

FURTHER RESOLVED, That the Oakland City Council urges the City Administration, whenever reasonably possible to address any public health issues, fire safety issues, noise disturbances of neighbors or violence in the camp, with verbal communication among the protestors and city or county officials; and be it

FURTHER RESOLVED, That the Oakland City Council declares that it does not support the use of force to remove the encampment unless absolutely necessary, after, engaging in verbal communications, whenever reasonably possible; and urges Mayor Jean Quan, and the City Administration to exercise their administrative powers, if possible, in a manner that will not involve the use of force to remove the encampment.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL,
SCHAAF, AND PRESIDENT REID

AYES-
NOES-
ABSENT-
ABSTENTION

Attest: _____
LaTonda Simmons
City Clerk and Clerk of the
Council of the City of Oakland, California

4
SPECIAL
ORA/COUNCIL
NOV 3 2011

