

CLERK'S OFFICE

Prepared by: Assembly Counsel

APPROVED

For reading: December 13, 2011

Date: 12-13-11

**ANCHORAGE, ALASKA
AR NO. 2011-354**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY SUPPORTING
PERMITTING OF FREE SPEECH AND PEACEABLE ASSEMBLY BY OCCUPY
ANCHORAGE ON THE PARK STRIP, UNDER A REVOCABLE WAIVER OF THE
INSURANCE REQUIREMENT, SUBJECT TO RISK MITIGATION FACTORS AND
MUNICIPAL POLICE CHIEF DETERMINATION ON PUBLIC HEALTH, SAFETY, AND
WELFARE.**

WHEREAS, the Municipality of Anchorage strongly supports the First Amendment rights of freedom of speech and freedom of peaceable assembly for all residents of Anchorage; and

WHEREAS, the Municipality of Anchorage recognizes essential to our democratic principles is the ability to petition the Government for a redress of grievances; and

WHEREAS, we all need to remember exercising our constitutional rights comes with responsibilities, including mindfulness of the rights and safety of others, following the laws which have been duly established, and reasonable rules on the time, manner and place where rights are exercised; and

WHEREAS, the "Occupy Anchorage" movement has been in discussion with municipal officials concerning municipal permit requirements; and

WHEREAS, Occupy Anchorage seeks a permit for a designated area located on the Park Strip; and

WHEREAS, the requirement for insurance is delaying issuance of a permit; and

WHEREAS, Occupy Anchorage has pursued alternatives by seeking third-party sponsors for the insurance, without success; and

WHEREAS, these factors would assist in mitigating the insurable risks:

- No alcoholic beverages;
- Winter season: Slowest time of year for Park Strip activity; no competing permit requests from other users; no interference with local casual usage.
- Relatively low density of 24-hour occupancy;
- Continued collaboration with municipal officials concerning safety precautions;
- Agreement with adjacent non-municipal resources for use of restroom facilities.
- Individual waivers of liability, acknowledging assumption of risk and commitment to reasonable precautionary measures;
- Ongoing safety-hazard identification, awareness, mitigation;

- The existence of contemporaneous related expressions in other communities within Alaska and throughout the country, without a recognized national organization;
- The length of demonstrable related use in other communities -- the national experience;
- The offer of volunteer hours in community service projects of benefit to the public in mitigation of permit fees; and

WHEREAS, these factors have not been previously combined or addressed by this Assembly or the Municipality, and now allow a new opportunity for balancing and mitigating risk and requirements, on a revocable and "pilot" basis; and

WHEREAS, the Chief of Police may determine under unique present factors, the protection of public health, safety, and welfare under an authorized permit is paramount and conditions within the permit may offer risk mitigation benefit, within the intent of the insurance requirement; and

WHEREAS, a revocable waiver of insurance, incorporating appropriate contingent requirements, may be appropriate to overall risk management under the circumstances outlined herein;

NOW, THEREFORE, the Anchorage Assembly resolves;

Section 1. The Anchorage Assembly hereby expresses accord in alternative risk management arrangements by the Municipal Manager and Chief of Police, in cooperation with Occupy Anchorage, to achieve permitting of Free Speech and Peaceable Assembly by Occupy Anchorage on the Park Strip, under reasonable parameters, as outlined in this Resolution.

Section 2. The Anchorage Assembly hereby commends the Administration and Occupy Anchorage in their joint and continued efforts to ensure the rights of Free Speech and Peaceable Assembly are honored in the Municipality of Anchorage. We can all be proud of Anchorage this holiday season.

PASSED AND APPROVED by the Anchorage Assembly this 13th day of December, 2011.

Debbi Ossander
Chair

ATTEST:

Barbara E. Brundage
Municipal Clerk