

DRAFT July 30, 2013

The Humboldt County Human Rights Commission has been involved for many months with the county's Emergency Ordinance 2477, which added Chapter 2.5 to Division 6 of Title II of the Humboldt County Code, and Ordinance 2488, modifying and amending Ordinance 2477. These ordinances dealt with issues largely covered by existing laws. The Human Rights Commission met with CAO Smith-Hanes and heard from the public at a number of its public meetings, after which the Commission made recommendations to improve the process through strategies of communication, education, accommodation and enforcement. The Commission also requested the ordinances be repealed.

Ongoing public input has led the Humboldt County Human Rights Commission to the conclusion that Humboldt County needs to have a policy statement related to the protection of the First Amendment constitutional rights of the public, while at the same time protecting the rights of all people to a safe and healthy environment. The Human Rights Commission submits the following suggested draft document to the Board of Supervisors to ensure protection of First Amendment Rights in Humboldt County.

*The First Amendment to the United States Constitution states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." This was extended to State and Local Governments through the Due Process Clause of the 14th Amendment to the US Constitution. The CA Constitution affirms this in Article I, Declaration of Rights.*

*The Humboldt County Courthouse is the seat of County government and is centrally located one block from Eureka City Hall on one side and the Federal Courthouse on the other. It is reasonable to expect that members of the public may regularly use the Courthouse grounds, and other county controlled properties, to address their elected officials through public displays, protests or other expressions of free speech. This has historically been the case, usually without incident.*

*The Humboldt County Board of Supervisors affirms that members of the public have the right to access and use the County Courthouse and other county grounds for non-violent expressions of free speech, all hours of the day or night, seven days a week, so long as they do not impede public access; create a public health and safety nuisance; violate generally accepted standards of public decency; interfere with the rights of others to have fair and equal access to the same space for their own free expression; or interfere with the county offices and personnel in carrying out their work. Members of the public have the responsibility to ensure that their constitutionally protected activities do not infringe on the rights of any other member of the public.*

*If any additional restrictions are placed on the free speech rights mentioned in the previous paragraph, they must be subject to public review, within a defined time frame, and the specific governmental interest to be served by these restrictions must be specified. It is the responsibility of the Board of Supervisors to ensure that any limitations do not infringe on the constitutional rights of any member of the public.*

*The Board of Supervisors acknowledges and accepts the responsibility for informing and educating the public, including elected officials and law enforcement, about any existing codes affecting the constitutional rights of the public, using all means possible. The Board of Supervisors shall develop procedures to meet the needs for communication, education, accommodation and enforcement to address complaints and issues. The Humboldt County Human Rights Commission is willing to assist in development and implementation of these strategies.*

*One of the most serious current public health issues, in addition to homelessness, is the lack of public restrooms. It is difficult to enforce certain provisions of the health and safety portions of the codes without providing public accommodations. The need for public restrooms and adequate trash receptacles should be addressed. It is the recommendation of the Humboldt County Human Rights Commission that publicly accessible restroom facilities and adequate trash receptacles at the Courthouse be available 24/7. For all county properties, the public has the right to make portable toilets and adequate trash receptacles available and accessible in designated areas, and the responsibility to provide for their proper servicing and removal.*

*Regulations concerning the health and safety of the public on county properties are generally covered by existing city, county, state, or federal laws. The enforcement for violations will remain consistent with existing laws. Citation and release should be the process for enforcement of violations unless the law dictates differently.*

The recommended Addendum lists topics that generated complaints and resulted in the adoption of Ordinances 2477 and 2488. Current laws, local and state, as they relate to these issues, are referenced for easy identification. The Humboldt County Human Rights Commission recommends that the Board of Supervisors adopt this addendum as appropriate legal document, such as an ordinance or an addition to existing codes. It should be used in the future for communication, education, accommodation and enforcement. The Humboldt County Human Rights Commission recommends that this new document should then repeal in their entirety Ordinances 2477 and 2488 as well as Chapter 2.5 to Division 6 of Title II of the Humboldt County Code.