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FOR IMMEDIATE RELEASE –

Court Finds Mayor's Children's Pool Beach Closure Illegally Enforced

San Diego, CA

On June 18, 2013 a beach access proponent who was ticketed based on orders from San Diego Mayor Bob Filner was found "not guilty" by a Superior Court Judge. A ticket was issued by park rangers on March 20, 2013 after a protest of the Mayor's illegal beach closure. At the time, the Mayor had not obtained all of the permits required to close the Children's Pool beach on an emergency basis. Protesters, including members of the Friends of the Children's Pool sought to bring attention to this illegal closure by holding a rally. After this rally, Park Rangers and Police confronted several protesters claiming that the beach was closed. One protester was cited for disobeying posted signage and not leaving the beach. The judge who heard the case agreed that this citation was improper.

The Park Ranger who issued the ticket admitted in court testimony that Mayor Bob Filner had issued orders to cite beach users who were present on the beach after his declaration of a closure. The Park Ranger testified that the beach access proponent who he cited did not disturb or harass any animals at the beach. Evidence provided to the court included a City permit allowing for a beach closure after certain conditions were met. One of those necessary conditions was obtaining approval from other agencies including the Coastal Commission. It was not until weeks later that this necessary approval was obtained and the Mayor's beach closure became effective. Despite the lack of required permits, the City, under the direction of Mayor Filner, ordered citizens and tourists to leave the Children's Pool beach every evening until May 15 when the order expired.

The illegal closure of a public beach and harassment of citizens follows a pattern of behavior for Mayor Filner. Another Filner initiative, the extension of a rope barrier at Children's Pool was challenged in court by the Friends of the Children's Pool. The rope barrier is designed to prevent beach access as well. On April 19, 2013, the Friends of the Children's Pool were successful in obtaining a court ruling from another Superior Court judge. The judge found, "it appears to the Court that the City violated the Coast Act and Land Development Code by unilaterally installing a 152 foot rope barrier without a Coastal or Site Development Permit". The court concluded, "Only after Mayor Filner took office did the City take a different position, unilaterally re-extending the rope to 152 feet. This was contrary to the permit".

The courts have repeatedly recognized that although protection of seals is important, beach access is a Constitutional right in California. The California State Constitution provides safeguards with respect to beach access and whenever access is limited, careful consideration and proper procedures must be followed. The State Constitution says, "access to the navigable waters of this State shall be always attainable for the people thereof" (Article X, Section 4). Additionally, the Children's Pool Trust, approved by the legislature guarantees "convenient access" to the people of the State. Today, the judge agreed that beach access cannot simply be revoked on a Mayor's whim.

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The specific purpose of this corporation is to educate the public as to the use of the Children's Pool in accord with Miss Ellen Scripps' charitable intent in 1931 in order to protect La Jolla Children's Pool surroundings as a public park, a bathing pool for children, and public recreational usage in accordance with chapter 937 of the deed of trust between Miss Ellen Browning Scripps, the State of California, and the City of San Diego, county of San Diego. Publicize the return of Children's Pool to public recreational use. Promote water quality and safety. Facilitate cleaning the beach and adjacent areas to make it attractive and convenient for public use.