

## Amy Johnson

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**From:** noreply@cityofsalem.net on behalf of mbackoh@yahoo.com  
**Sent:** Monday, November 25, 2019 2:19 PM  
**To:** citycouncil  
**Subject:** Contact City Council  
**Attachments:** ATT00001.bin

Your Name	Mary Ann Baclawski
Your Email	mbackoh@yahoo.com
Your Phone	503-884-4192
Street	360 Forest Hills Way, NW
City	Salem
State	OR
Zip	97304
Message	<p>I do not know the answer to Salem's homeless problem. I wish I did. I do understand the fears of the business community. I owned and operated a small retail business that stayed open until 9 at night. I had a mostly female staff and I feared for their safety leaving an empty store at night. As most of the city council is aware, my husband and I are currently being targeted by a homeless person who a few days ago threatened to bash my husband's head in, leaving him dead or a vegetable for life. So, yes, I can understand why people can feel threatened by a homeless person. BUT I have also talked to and befriended some Salem homeless. So I know that almost all are NOT a threat and are just trying to live their lives as best they can. I have seen the Salem police in action with a homeless person. I have always been impressed by the compassion and knowledge our police use with them. All these experiences have left me feeling that while far from ideal, the homeless situation in Salem is NOT out of control. We can follow Councilor Kaser's recommendation to abandon the sit-lie ordinance while the city and the state tries to find and Implement solutions that help instead of making the situation more parlous for the homeless. That is what I hope the city will do. I originally wrote this before the work session. I appreciated the care and attention the attending councilors gave this matter. I feel well-served by the Salem City Council. Thank you.</p>

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NOV 25 2019

SALEM LEGAL DEPT

"We" the People Keith Bernard &amp; A-LAN

**The Constitution**

It's important that you understand that the constitution is in writing, It's a legal document, that it was ratified by all of the members in congress together, and that document has all the signatures on the document, and it's important that you understand that;

**There was an offer:** the government offered to govern.

**There was a consideration:** the citizens considered **how to be governed,** and

**There was a promise:** government promised that they would govern by constitution. And therefore: is **an agreement:** The citizens agreed that **if government promised** that there would be government by constitution they would allow the constitution into force.

*Now; a unique situation in force* here: "The party of the first part, which is the congressmen, **officers** of the government, who are **also parties of the second part** as re-present-(N)-atives of; "We the people of the re-public."

When they signed the document, "(THE-Y)-R-BOUND/BONDED" they signed as officers of the government agreeing to the constitution, and simultaneously as officers and re-present-(N)-atives of the people in the Re-public-an (*FORM*) of government.

What they signed; that-doc-u-ment constituted an iron-clad contract in writing enforceable in a court of law, **pursuant to the statute of frauds.**

**"We" Now, enforce the contract.** If "We" read something in the constitution, and "We" have a good reason to believe "We" should honor it. And the-y-ou-should-honor-it, in-favor-of "U.s. America": "We the People", the clearly intended and expressly designated beneficiary. The first thing you need to understand is Article 6 paragraph 2 of the constitution. The supremacy clause of the constitution. Says "This constitution, and the laws of the United States which **shall be made pursuance thereof, and treaties made or which shall be made under the authority of the United States shall be the supreme law of the land.**

**The judges in every state shall be bound thereby.** Anything in the constitution or laws of **any- state** to the contrary are not-with-standing-in-law.

First important case: *Marbury v. Madison*, 5 U.S. 137 (1803). The opinion of the court was "Anything that is in conflict is null and void of law; for certain the supreme law would prevail over any other law, "Our" forefathers had intended that the supreme law would be the basis for all laws, and for any law to come in conflict would be **null and void of law.** It would bear no power to enforce, it would bear no obligation to obey, it would purport to settle as though it had never existed, for **unconstitutionality would date from the enactment of such a law, not from the date so branded by a court of law.** No courts are bound to uphold it, and **no citizens (private or public) are bound to obey it.** It operates as a mere nullity or a fiction of law, **which means it doesn't exist in law."** **Is of the world and not in this world.** This argument is so effective that it **literally nullifies the Brady Bill, it nullifies the crime bill that takes away the right of the people** to keep and bear arms on these 19 weapons that turn into 159 weapons,

**it stops the 666 bill that just went through that they're trying to take away the 4th Amendment, Because they have no power to pass a law that's in conflict with the United States Constitution, and it's automatically null and void of law from its inception;** as unconstitutional.

The second amendment is one of the most vital amendments here because our forefathers had such an important understanding of life, liberty and the pursuit of happiness... That they turned around and realized that without the right to protect that first right, they didn't have that right. So the second amendment they instituted the right of the people to keep and carry arms, **and that right shall not be infringed.** Now the most important part about that second amendment is

where it says "The right of the people" and the Supreme Court has ruled in hundreds of cases that whenever it says "the right of the people" it means the right each, of every single citizen to possess the right equally.

All you have to do is be an American. You have the right. The right to keep and carry arms, and that right shall not be infringed.

Now note after "infringed" there is no sub paragraph a, b, c, d, e, which would stipulate what would be an acceptable infringement. So all infringement is forbidden. I ask them "what is it that you don't understand about the work infringement?" Because; the first amendment basically talks about the right of life; liberty and the pursuit of happiness. But isn't the right to work part of the right to life, liberty, and the pursuit of happiness? You've got a right to work, right? To contract your labor, your skill and your time and life as you see fit, right? That's a first amendment right. Another first amendment right would be the **right to travel freely and unencumbered**. No state can require you to have a license to travel freely and unencumbered and we will go into that and show you how that is taken care of.

*This is America, we've got an American Flag on the pole out front. Last time I checked this is America and we have got a constitution here and you ain't touching that constitution. The second way we can do it is if necessary and proper our armed militia can come together and decide to tell these people that are giving aid and comfort to the enemies of our country by breaking our laws that you have broken the law of **Title 18 U.S. Code section 2381**, which says **"When in the presence of two witnesses to the same overt act or in an open court of law if you fail to timely move to protect and defend the constitution of the United States and honor your oath of office you are subject to the charge of capital felony treason, and upon conviction you will be taken by the posse to the nearest busy intersection and at high noon hung by the neck until dead... The body to remain in state till dusk as an example to anyone who takes his oath of office lightly. You see, without that oath of office this constitution is worthless.** That's why we have you take that oath of office, so we know that you will honor that oath of office,*

*That you will keep our constitution. The bottom line here is that you have to know to be able to exercise your constitution.*

### **EXAMPLE OF TRUE CLAIM**

**NOTICE: I give you: whomever this letter is addressing:**

10 Days to address; any presumptive Ideas/IDOLS: Is. 44... You may have also that with your security of \$ 50,000 BOND early in the process FROM every clerk and officer/agent present in the room on paper, or acts/actors actions of any persons involved, against 'WE THE PEOPLE'/EN-TRUSTED, for conspiracy, of fraudulent attempts of conversion, With Oath doc and FOREIGN Registrations. For full right of adjudication placed against My Constitutional National obligation response-ability/ABILITY-to-respond to offset the national debt. Every time. \$50,000.00 for each attempt/contempt to in valve Keith Bernard: A-LAND-T/AKA; MR. ALANDT

**As creator and grantor The BENEFACTOR: To; secure: The Right as the right of kinsman redeemer' the living hair; entrusted as the secured party creditor. The right to subrogation. As a sovereign benefactor; beneficiary; entrusted with security/bond registered trade name: KEITH BERNARD ALANDT, registered with the secretary of state in the United States on the republic soil of; Wayne County, Michigan on the 11 day of August in the year of 1958.**

**If "they-(mentioned above)" can prove their claim (of an interest-equity-injury-damages in property or a contract), and under oath, to purge, at risk of perjury and tortious acts of treason; to prove; the contract or alleged contract was entered into knowingly, willingly, and with full disclosure? Where these acts torture and Treason against "we the people" Even going into court is a contract, U.S.C. FORTEEN; Fundamental TRUST/no involuntary-servitude or SLAVERY... so handle it correctly. If there is any**

deceptive syntax or undefined language on the papers that is, Presumptions and color of authority. Then there is NO CONTRACT.

“Our” Will is; to hold OUR government accountable to the people through lawful means, when that government, though, non-disclosure proselytizing and conversion: do not obey their own fiction laws, violate due process, exceed authority, do not have jurisdiction, when they act without proof of authority, or lack of true contract. Violating public trust/birthright or, city-sin-ship en regis. CONVERSION = TREASON/TRESPASS in the highest degree. UCC 1-304 "Every contract or duty within the UNIFORM COMMERCIAL CODE imposes an obligation of good faith in its performance and enforcement" Trust's provides services to U.S. and international families. For decades, its owners and executives have served as trustees and as directors, officers and managers of foreign and domestic corporations and limited liability companies, and managed real estate, businesses and other investments. A entrusted FIDUCIARY-CLERK/OFFICER- thoroughly understands the needs of its clients (foreign v, domestic), OF; the “PUBLIC-TRUST”-PUBLIC/OFF-SHORE MERCHANT-FOREIGN-CORPORATION, the laws and authorities of JURISPRUDENCE and serves them with integrity, professionalism and confidentiality. Develops strong, personal relationships with clients, enabling them, to delegate, with complete assurance; the highest levels of equitable-responsibility. The Human Right Committee requirement effective remedy under Article 2(3) constitutes a treaty obligation inherent in the Covenant as a whole. Therefore, General Comment 29 states that, while States may take measures strictly required by the exigencies of the situation, they must comply with this “fundamental obligation” by “providing a remedy that is effective.” 666 “SLAYER DOCTRINE” KING JAMES BIBLE

• 1. Understanding; Cestui Que Vie Act 1666 Existence of Life Cestui Que Vie London 1666, during the black plague and great fires of London, Parliament enacted an act behind closed doors, called Cestui Que Vie Act 1666. The act being debated was to subrogate the rights of men and women, meaning all men and women were declared dead, lost at sea/beyond the sea. (back then operating in Admiralty law, the law of the sea, so lost at sea). The state (London) took custody of everybody and their property into a trust.

The state became the trustee/husband holding all titles to the people and property, until: UCC 1-308; a living man comes back to reclaim those titles, "he can also claim damages". When CAPITAL letters are used anywhere in a name this always refers to a legal entity/fiction, Company or Corporation no exceptions. e.g. John DOE or Doe: JANE: Independent-City-State, AS/IS; Washington-D.C. is an Independent *foreign* corporation.

An accommodation party is always a surety.” UCC 3-419, Note 3, paragraph 2. FOUND IN NOTES 1 and 2 of section 3-402 :“1. Subsection (a) states when the repress-entented person is bound on an instrument if the instrument is signed by a re-present-(N)-ative : If under the law of agency the represented person would be bound by the act of the re-present-(N)-ative [a re-present-Native] in signing either name of the re-presented person or that of the representative, the signature is the authorized signature of the represented person:...”

2. Effective remedy under Article 2(3) constitutes a treaty obligation inherent in the Covenant as a whole.

36. The Human Right Committee requirement effective remedy under Article 2(3) constitutes a treaty obligation inherent in the Covenant as a whole. Therefore, General Comment (29) states that, while States may take measures strictly required by the exigencies of the situation, "they"-(STATES); 3. [M]-ust comply with this “fundamental obligation” by “providing a remedy that is effective.” (underline and bold added) International Human Rights Law The Bingham Centre for the Rule of Law London, UK February 2012

29. Because the ability to derogate from human rights standards could undermine the entire purpose and value of international human rights protection

●As the Cestui Que Vie Trusts are created as private secret trusts on multiple **“An accommodation party is always a surety.” UCC 3-419, Note 3, paragraph 2.**

FOUND IN NOTES 1 and 2 of section 3-402 :“1. Subsection (a) states when the repress-ented person is bound on an instrument if the instrument is signed by a re-present-ative : If under the law of agency the represented person would be bound by the act of the **re-present-a-tive [a re-present-Native]** in signing either name of the re-presented person or that of the representative, the signature is the authorized signature of the represented person:...” (Underline hyphen, and bold; added)

### **§ 5-118. Security Interest of Issuer or Nominated Person.**

**(a) An issuer or nominated person has a security interest in a document presented under a letter of credit and any identifiable proceeds of the collateral to the extent that the issuer or nominated person honors or gives value for the presentation.(b) Subject to subsection (c), as long as and to the extent that an issuer or nominated person has not been reimbursed or has not otherwise recovered the value given with respect to a security interest in a document under subsection (a), the security interest continues and is subject to Article 9, but:**

**(1) a security agreement is not necessary to make the security interest enforceable under Section 9-203(b)(3);**

**31.** By being required to meet these obligations in relation to the power to derogate and the nature of that derogation, the human rights treaty itself places **constraints and limits on what a government can do. The fact that States can suspend certain rights is not the same as allowing arbitrary action.**

**32.** From an examination of international human rights case law on derogation the following factors concerning the power to derogate can be extrapolated:100 In *Brannigan and McBride*, the applicants had been arrested under the Prevention of Terrorism Act 1984 and detained for six days and four days respectively, without being brought before a court. The European Court of Human Rights therefore found that the requirement of promptness had not been respected. However, the UK government pointed out that **the failure to observe these requirements of Article 5 had been met by their derogation under Article 15, ECHR. The Court, therefore despite finding a breach of Article 5(3), also accepted that the derogation from that provision was within the ambit of Article 15** of the European Convention. The UK had therefore acted lawfully. These cases need to be compared with more recent Turkey cases. In *Aksoy v. Turkey*, the Court, **whilst agreeing with Turkey that there was a public emergency which threatened the life of the nation,** considered that the measure taken,...

Courts will be reluctant to overrule the executive in relation to the existence of an emergency threatening the life of the nation;

**will not give government a carte blanche and will retain the power to review the need to derogate;** Certain rights are non-derogable

**; If it goes too far, the derogation will be unlawful.**

### **Reviewing the extent of non-derogable rights General Comment 29**

**33.** In July 2001 the Human Rights Committee addressed the issue of derogation and adopted General Comment Number 29.101 This General Comment sets out a number of **non-derogable rights**. The Human Rights Committee notes, **“The fact that some of the provisions of the Covenant have been listed in Article 4 (paragraph 2), as not being subject to derogation does not mean that other Articles in the Covenant may be subjected to derogations at will, even where a threat to the life of the nation exists”.**

**34.** The Human Rights Committee points out that even during states of emergency, **“States parties may in no circumstance invoke Article 4 of the Covenant as justification for acting in violation of humanitarian law or peremptory norms of international law”.**

## Amy Johnson

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**From:** Tami Carpenter  
**Sent:** Monday, November 25, 2019 2:09 PM  
**To:** CityRecorder  
**Subject:** FW: Contact the City of Salem  
**Attachments:** ATT00001.bin

This came to [media@cityofsalem.net](mailto:media@cityofsalem.net) =

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**From:** Media <[media@cityofsalem.net](mailto:media@cityofsalem.net)>  
**Sent:** Monday, November 25, 2019 1:31 PM  
**To:** Tami Carpenter <[Tcarpenter@cityofsalem.net](mailto:Tcarpenter@cityofsalem.net)>  
**Subject:** FW: Contact the City of Salem

### Nicole Miller

*Public Information Manager*

City of Salem | Urban Development Department  
350 Commercial St. NE, Salem, OR 97301  
[nmiller@cityofsalem.net](mailto:nmiller@cityofsalem.net) | 503-540-2415  
[Facebook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](http://CityofSalem.net)

**From:** [noreply@cityofsalem.net](mailto:noreply@cityofsalem.net) <[noreply@cityofsalem.net](mailto:noreply@cityofsalem.net)> **On Behalf Of** [dbeyer444@msn.com](mailto:dbeyer444@msn.com)  
**Sent:** Friday, November 22, 2019 8:00 AM  
**To:** Media <[media@cityofsalem.net](mailto:media@cityofsalem.net)>  
**Subject:** Contact the City of Salem

Your Name	Debbie Beyer
Your Email	<a href="mailto:dbeyer444@msn.com">dbeyer444@msn.com</a>
Your Phone	5039103954
Street	P.O. Box 885
City	Dallas
State	OR
Zip	97338
Message	<p>I drove down Marion St yesterday afternoon and am appalled at the tents you are allowing right next to the streets! There were two large living areas set up right between the road and the sidewalk. One with large tarps and the other a tent with a table and chair outside. Also every time I come over to Salem I see the "tent city" right near the railroad tracks and the riverfront park. Way to make the city look like crap. I worked in Salem for 26 year and am disgusted. I have worked hard all my life and been a responsible citizen and don't feel the government should allow any city in Oregon to be "trashed" by irresponsible people. Taxpayers keep throwing money at this and nothing happens. Where are the real solutions? If they do not want to participate normally in our society, then they need to be restricted to a specific area whether they want to or not and provided the resources to survive. They have not worked for or deserve to be free to</p>

make the rest of us feel uncomfortable or frightened where we live. Thank you for letting me vent. I truly wish government could come up with a solution. There are too many of them to ignore anymore.

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Wendy Duvall 9/10/2019

Where are they supposed to go? When I was homeless we slept in Marion Park. The cops kicked us out. We moved to sidewalks, cops kicked us out. Everywhere we went, we were "moved along". People need to remember that. I, personally, ended up putting up a tent on side streets downtown at dusk and packing up before first light. I was lucky to have my car. But you can't keep clearing the homeless out from everywhere they try to sleep. And it's dangerous for the homeless to break up groups.

I relied on my group of friends. We protected one another and watched over each other and our few belongings. There is safety in numbers. The homeless are already in a terrible predicament, they don't deserve (most don't) to be treated like lepers... even worse, to be treated like criminals. We were treated like prisoners quite honestly. You can't sit. You can't lie. You can't be fed by public.

Because I had my car, I had a place to keep my stuff. But most of the homeless keep everything they own with them using carts and trailers. Unfortunately, it's difficult to be stealth with that kind of baggage. It's what little they have... all they have in the world.

It's just a terrible situation compounded by people's disgusting intolerance and judgment. Once you find yourself in that sand trap of homelessness, it's very hard to get out without assistance. Even with assistance it's hard to stay housed once you're in a home if you can't find a permanent job. After six months, I was a couple of weeks away from being homeless again when I finally was offered a job just in the nick of time. And many homeless (including the good people I met) are mentally or physically incapable of holding down a job.

Anyway. I got to thinking about this ordinance and my personal experience and found myself getting upset.



## Amy Johnson

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**From:** noreply@cityofsalem.net on behalf of Tngraneto@comcast.net  
**Sent:** Monday, November 25, 2019 12:00 PM  
**To:** citycouncil  
**Subject:** Contact City Council  
**Attachments:** ATT00001.bin

Your Name	Nicole Graneto
Your Email	Tngraneto@comcast.net
Your Phone	5033048920
Street	7185 Meadowwod St Ne
City	Salem
State	OR
Zip	97303
Message	Please vote YES on the sit/lie ordinance tonight! The area around Arches and the Marion Street bridge continues to get worse. I drive past that area everyday and I don't feel safe. Please restore our City sidewalks for people who shop and work downtown. Don't let "campers" drive customers and businesses out of downtown!

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## Amy Johnson

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**From:** Mesheal <meshlynn@aol.com>  
**Sent:** Monday, November 25, 2019 11:36 AM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Oppose Sit-Lie Ordinance

### Who Am I?

I am a 50-year-old Grant neighborhood homeowner and an employee of a state agency located downtown. I frequent downtown businesses and eateries. I and my partner walk frequently downtown as well as our adjacent neighborhood.

**And I oppose the sit-lie ordinance.**

### Why Do I Oppose the Ordinance?

- No compelling answer to the question as to how a Sit-Lie ordinance will resolve the behavior issues it claims it will solve.
- It violates basic human rights by targeting people without housing without solving their basic human needs. People sleep and rest on the sidewalk during the day because it is a safer alternative, and people need to rest for basic survival.
- Homelessness is a *public policy failure*, not a personal failure. I want the problem fixed at the source. I do not want people punished for the consequences of the failure of public policy.
- My neighborhood has already seen a rise in the number of people experiencing homelessness seeking a place to rest. A Sit-Lie Ordinance will most definitely push even more into my neighborhood. We do not have the sanitary facilities necessary to handle such an influx.
- The Sit-Lie Ordinance is touted as a way to connect the unsheltered with services. Most of these people are already connected. Being connected doesn't mean you suddenly have housing, or become sober, or get clean, or are treated for your mental health issues.
- The Sit-Lie Ordinance ignores the fact that Salem does not have enough capacity to handle all the unsheltered individuals for the hours necessary. NOT ENOUGH SPACE, NOT ENOUGH HOURS, PERIOD. This is so clear to me upon even a cursory look at the available shelters and hours available.

This is why I am opposed to the Sit-Lie Ordinance.

Mesheal L. Heyman  
1048 5<sup>th</sup> St NE  
Salem, OR 97301



770 Chemeketa St. NE.  
Salem OR 97301

Dear City Council,

I would like to submit this letter, to show my support of the Sit Lie Ordinance, bill no. 10-19, as part of the overall approach to addressing homelessness in Salem. I own a school and someone laying in front of or around my school has threatened the safety of my students more than once. Parents having to step around a person camping on the sidewalk in front or around my school creates an unprofessional appearance and has also often created a sanitation concern. I understand the challenge of this growing epidemic and do not pretend to have all of the answers. I simply would like a solution to conducting a professional business. I would like to offer safety to my clients.

Sincerely,

Hanneke Crumley  
Owner of Little Friends Montessori

## Amy Johnson

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**From:** Lora Meisner <lmgb@earthlink.net>  
**Sent:** Monday, November 25, 2019 12:48 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** re: Homeless Ordinance  
**Expires:** Sunday, February 23, 2020 12:00 AM

“People do not lose their right to exist in a public place when they lose a home.”

Why is the city harassing and persecuting the homeless? Where are they supposed to go? There are people I know who have jobs and live in their cars and some people have to camp because their car died. **78% of Americans** live paycheck to paycheck. **40% can't handle an unforeseen expense of \$400.** Is there any wonder that homelessness is on the rise. The median family income here in Salem is \$46,000 which after taxes become approximately \$34,500 (annually). Rent in Salem for a one-bedroom apartment on average is \$1100 or \$13,200 annually. So close to 40% of family income goes to rent.....doesn't leave much for food, clothing, car expenses etc.

### You wonder why homelessness is on the rise?

- 1) Why can't the social service agencies like Arches set up a monitored and regulated camp in Marion Park across the street from portable toilets and (soon) showers. San Diego did this with good outcomes. NO drugs or alcohol. Anyone found with those were evicted. There was a section for homeless with pets, a section for men, separate section for women and another for families. There was a social service tent where people could be evaluated and helped. It was one way to reach many people in one location. There were garbage dumpsters and people cleaned up after themselves. Why can't we do this here. They wouldn't be in the very commercial area of downtown but near food, sanitation and other services.
- 2) We need to have a “home fee” for every new homes, buildings, structures. This fee would go strictly for housing vouchers or the development of affordable housing or even tiny homes. For instance, a “home fee” on individual homes could be \$500 which is a drop in the bucket for homes that will be sold for hundreds of thousands of dollars. And for commercial and other structures some sort of percentage that would make sense. Will developers have a fit? Too bad if they not part of the solution, then they are part of the problem.

It's bad enough that the Trump Administration has declared war on the poor, does Salem have to follow suit? The community---individuals, business, community organizations and the city need to be part of the solution and passing inane, immoral and inhumane ordinances is NOT the way to deal with this serious issue. Please show some humanity and do not pass this ordinance.

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Lora Meisner  
1347 Spyglass Court SE  
Salem, OR 97306  
503-588-6924

## Amy Johnson

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**From:** Ann Niederehe <aniederehe@comcast.net>  
**Sent:** Monday, November 25, 2019 12:40 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; jleaung@cityofsalem.net; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Opposing Sit-Lie

I write as a lover of Salem's downtown where I frequent shops, restaurants and volunteer at a nonprofit. This proposal is not an answer to our homeless situation.

I have personally seen what some responsible downtown businesses can do to discourage homeless people from being in front of their businesses. I also know how intractable the issue can seem and how it discourages people from coming downtown.

It is not responsible to clean out the homeless encampment under the bridges or elsewhere without having developed alternatives. All it did was relocate more homeless to the downtown streets. We need public restrooms in areas ok for the homeless to be. If we need to clean out encampments such as under the bridge, do as some other places do and pay the homeless to be part of that action and then let them go back to that area.

Mainly, we need to have more alternatives in place.

I wish you all well in dealing with this.

Ann Niederehe

**Amy Johnson**

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**From:** Matthew Serres <mserres@droregon.org>  
**Sent:** Monday, November 25, 2019 11:40 AM  
**To:** CityRecorder  
**Subject:** Public Comment for November 25 City Council Meeting - Disability Rights Oregon  
**Attachments:** 11.25.19.Disability Rights Oregon Public Comment on Ordinance Regulating the Use of Sidewalks and Public Spaces.pdf

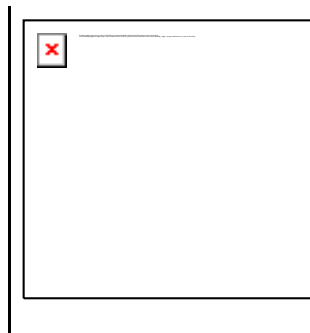
Dear City Recorder,

Attached are written comments from Disability Rights Oregon for today's City Council meeting. The comments are submitted in response to the agenda item pertaining to "Regulating the use of sidewalks and public spaces." If you have any questions or concerns, please let me know.

Sincerely,

**Matt Serres**  
Interim Managing Attorney

Pronouns: He/His/Him  
Phone: (503) 243-2081 ext. 219  
Fax: (503) 243-1738  
Email: [mserres@droregon.org](mailto:mserres@droregon.org)



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Via mail and email to [cityrecorder@cityofsalem.net](mailto:cityrecorder@cityofsalem.net)

November 25, 2019

City Recorder  
555 Liberty Street SE, Room 205  
Salem, OR 97301

RE: Regulating the Use of Sidewalks and Public Spaces

Dear City Councilors,

I am writing to you today with respect to the proposed “Ordinance Relating to Conduct on Sidewalks.” I am a managing attorney with Disability Rights Oregon and have reviewed the most current draft of the proposed ordinance. Disability Rights Oregon condemns the ordinance as detrimental to persons with disabilities, particularly unsheltered individuals with serious mental illness at risk of institutionalization.

The ordinance disproportionately impacts unsheltered homeless individuals who have a serious mental illness. Those individuals are most likely to sit, lie, or sleep on the streets. The 2019 Point in Time (PIT) Count conservatively calculates approximately one thousand homeless individuals in Marion County. PIT data also shows that 31% of the homeless are considered “chronically homeless” and disabled.<sup>1</sup> In 2018, statistics from across the state indicated 29% of the homeless population self-identified as having a serious mental illness,<sup>2</sup> and those individuals are far more likely to be living in unsheltered locations.<sup>3</sup> The City of Salem does not currently have the capacity to shelter its homeless population, even with planned

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<sup>1</sup> Oregon Housing and Community Services, “2019 Point in Time Dashboard” (2019). Available at <https://public.tableau.com/profile/oregon.housing.and.community.services#!/#!%2Fvizhome%2F2019Point-in-TimeDashboard%2FStory1> (last accessed on November 22, 2019).

<sup>2</sup> Oregon Housing and Community Resources, “Oregon Statewide Shelter Study,” p 16 (2019). Available at <https://www.oregon.gov/ohcs/ISD/RA/Oregon-Statewide-Shelter-Study.pdf> (last accessed November 22, 2019).

<sup>3</sup> Oregon Housing and Community Services, “2017 Point-in-Time Estimates of Homelessness in Oregon,” available at <https://www.oregon.gov/ohcs/ISD/RA/2017-Point-in-Time-Estimates-Homelessness-Oregon.pdf> (last accessed on October 3, 2019).

expansions in services. Because sleeping space is not available for all of the homeless, the prohibited conduct becomes “involuntary” and “inseparable” from the status of being an unsheltered homeless person.<sup>4</sup> In other words, it is an “unavoidable consequence of being homeless.”<sup>5</sup> As a result, the ordinance would have a disproportionate impact on a substantial population of unsheltered individuals with serious mental illness in the Salem area.

The ordinance criminalizes the unavoidable conduct that accompanies being unsheltered with a serious mental illness and would lead to increased arrests and institutionalization of the mentally ill. City officials claim that, because the ordinance only results in an “exclusion order,” it does not impose criminal sanctions. All roads lead to Rome—exclusion orders are just one more step in the inevitable process of arrest and incarceration. As large swaths of the city become unavailable due to exclusion, unsheltered individuals with mental illness would experience criminal prosecution for trespass. It is also likely that police would succumb to selective enforcement that targets the unsheltered and mentally ill. With no other sanctuary, unsheltered individuals with disabilities would have no choice but to violate the exclusion order and face jail time.

As a consequence of the ordinance, the criminalization of homeless individuals with serious mental illness also violates constitutional protections against cruel and unusual punishment. This year, the 9<sup>th</sup> Circuit Court of Appeals held that “so long as there is a greater number of homeless individuals in [a jurisdiction] than the number of available beds [in shelters],’ the jurisdiction cannot prosecute homeless individuals for ‘involuntarily sitting, lying, and sleeping in public.’”<sup>6</sup> Criminalizing such behavior is inconsistent with the Eighth Amendment when “no sleeping space is practically available in any shelter.”<sup>7</sup> With only 460 beds available in Marion County<sup>8</sup> and a population of nearly a thousand homeless individuals,<sup>9</sup> the City of Salem is a jurisdiction that falls strictly within the 9<sup>th</sup>

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<sup>4</sup> See *Martin v. City of Boise*, 920 F3d 584, 617 (9<sup>th</sup> Cir 2019) (quoting *Jones v. City of Los Angeles*, 444 F3d 1118, 1136 (9<sup>th</sup> Cir 2006)).

<sup>5</sup> See *id.* at 617-18 (holding that it is unconstitutional under the Eighth Amendment as “cruel and unusual punishment” for the state to criminalize conduct that is an “unavoidable consequence of being homeless—namely sitting, lying, or sleeping on the streets”)

<sup>6</sup> *Id.* at 617 (quoting *Jones v. City of Los Angeles*, 444 F3d 1118, 1136 (9<sup>th</sup> Cir 2006)).

<sup>7</sup> *Id.* at 618.

<sup>8</sup> “Oregon Statewide Shelter Study” at Appendix E, p 52 (2019).

<sup>9</sup> *Supra* note 1.



Circuit’s prohibition against criminal prosecution for sitting and lying in public. Make no mistake—the proposed city ordinance would inevitably lead to the attempted prosecution of unsheltered individuals for criminal trespass.

Any fines associated with violations of the ordinance or issued as a result of prosecution for trespass would have a negative impact on homeless individuals suffering from serious mental illness. The November 18 work session made it apparent that the city is contemplating fines of up to \$250 for repeat violations under the ordinance.<sup>10</sup> Homeless individuals with serious mental illness lack the resources or capacity to pay those fines. Nonpayment would lead to additional fees, debts, and collections imposed upon those who cannot afford to pay, and may also lead to contempt of court proceedings and jail time.<sup>11</sup> The ordinances impact on the credit and criminal history of homeless individuals creates additional barriers to their transition off the streets.

The ordinance unfairly stigmatizes homeless individuals with mental illness. It states that “persons who sit or lie down on public sidewalks \* \* \* threaten the safety and welfare of all pedestrians.” It asserts, with no basis in fact, that their acts of sitting or lying on sidewalks have the greatest impact on pedestrians “who are elderly, young children, or who have physical and mental disabilities.” In fact, individuals with physical or mental disabilities are more likely than other individuals to sit or lie on the sidewalks. The ordinance’s greatest impact on them is negative, not positive. Depicting the unavoidable conduct of some persons with disabilities as a threat to the safety and welfare of the elderly and children ultimately leads to negative attitudes and public disapprobation toward persons with disabilities.

The effects of the ordinance threaten the health and safety of unsheltered individuals with serious mental illness. The broad definition of a “campsite”—an assemblage of any materials that form an upper covering or enclosure on one side—captures even the most basic attempt at protection from the elements. As a result, unsheltered individuals have no way to stay dry and little protection against potentially lethal winter cold.

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<sup>10</sup> Additional fees would be imposed at the time of filing an appeal of an exclusion order or denial of a variance. See Proposed SRC 95.860(c) (2019).

<sup>11</sup> See ORS 161.685 (stating that potential consequences of nonpayment of fines, restitution or costs include debt collection, contempt of court, and issuance of a warrant of arrest).

Denying access to such minimal shelter places individuals' health and safety at risk. It is also likely to lead to an increase in emergency room visits and other negative impacts on our healthcare system. More importantly, it calls into question the city's commitment to basic human rights, as the survival of some of its most vulnerable citizens would be jeopardized.

The exclusion orders resulting from the ordinance would be so extensive that they would deny homeless individuals with serious mental illness access to essential mental health and social services. Some examples of essential services found within the exclusion zones include the Homeless Outreach & Advocacy Project's (HOAP) Day Center<sup>12</sup> and the Health, Outreach, Shelter, Transitions program.<sup>13</sup> Because the exclusion orders would deny access to the east side entry points of the Center St., Marion St., and Union St. bridges, homeless individuals would also be unable to access most services on the west side of the river, including the Northwest Human Services' homeless program clinic.<sup>14</sup> Absent a variance, homeless individuals would have to decide whether to access essential services and to risk criminal prosecution for trespass.

The variance process is impractical, especially as it pertains to homeless individuals with serious mental illness. First, since the Chief of Police, or a designee, must review each and every application for a variance, heavy administrative burdens and costs would result and detract from other more important law enforcement priorities. Second, because homeless individuals with serious mental illness likely cannot navigate the complicated written variance request guidelines, innumerable unnecessary arrests for violations of an exclusion order would result. Third, the "clear and convincing evidence" standard of proof for variances is an unreasonable evidentiary burden to place on homeless individuals with serious mental illness, because they are more likely to struggle in explaining where they are going, why they are going there, and how it is the "shortest direct route."<sup>15</sup> Fourth, the variance process puts homeless individuals at high risk of discrimination and institutionalization. The ordinance allows a police officer to request variance documentation for any

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<sup>12</sup> <http://www.northwesthumanservices.org/HOAP.html>

<sup>13</sup> <http://www.northwesthumanservices.org/HOST.html>

<sup>14</sup> <http://www.northwesthumanservices.org/West-Salem---Total-Health-Community-Clinics.html>

<sup>15</sup> See Proposed SRC 95.840(a)-(c).

reason, which may lead to disproportionate police interaction with, and targeting of, homeless individuals based on their appearance or, especially in individuals with mental illness, their mannerisms. It may also lead to pretextual stops and fishing expeditions for other violations or outstanding warrants that would overwhelm jail rosters. Finally, even if a variance has been granted, violations would still occur simply because the ordinance requires individuals with no shelter and nowhere to keep their belongings to carry the variance documentation with them within the exclusion zones. All of the above expectations make the variance process an unreasonable burden not only for homeless individuals suffering mental illness, but also for law enforcement.

Disability Rights Oregon strongly objects to the proposed ordinance because of the negative impact it would have on homeless individuals with serious mental illness. The City of Salem should no longer pursue the proposed ordinance, because it disproportionately impacts unsheltered mentally ill individuals, criminalizes the mentally ill, creates barriers to successful transition off the streets, feeds the stigma of mental illness, threatens the health, safety, and survival of vulnerable persons with disabilities, and poses an undue administrative and financial burden.

If you would like to discuss these comments further, please contact me at (503) 243-2081, extension 219, or via email at [mserres@droregon.org](mailto:mserres@droregon.org). Thank you for your consideration.

Respectfully,

A handwritten signature in black ink that reads "Matthew Serres". The signature is written in a cursive, flowing style.

Matthew Serres  
Managing Attorney

Dear Mayor Chuck Bennett, Members of City Council, City Manager, Steve Powers, Chief of Police, Jerry Moore, City Attorney,

Hello. This is testimony I, Lorrie Walker, am providing to you on behalf of a few hats I am wearing.

- 1) I live in the SCAN neighborhood and I am vice chair of SCAN. Scan does not support the proposed sit lie or sidewalk behavior ordinance 10-19. We support CANDO neighborhood association in support of opposing it as well as NEN neighborhood association.
- 2) I am the facilitator of the Homeless Coalition of Salem. Our members are opposed to the proposed ordinance as well. Lynelle Willcox will provide more information regarding the Homeless Coalition and where we stand.
- 3) I retired from the Oregon State Hospital just over 4 years ago after 35 years of service to the state of Oregon. I am a legal guardian, advocate of many and a volunteer. I am opposed to the proposed ordinance. I have worked the warming shelters. I know the people on the streets. I know many of these people from my job at the state hospital as people I worked with. Much of my focus is on the homeless mentally ill. The state spends over \$40,000 a month to treat many of these people at OSH. In three years that equals \$ one million for one person. Six years, \$ two million and up. The Oregon legislature cut funding for group homes for mentally ill people a few years ago. OSH patients have been released to the streets of Salem & elsewhere when their time runs out after spending years at OSH. Many of them are released with no social security disability benefits for mental illness in spite of the millions of dollars spent for inpatient care. No Oregon Health plan, no food stamps. Who really thinks that is successful or smart? That is where I come in. I take people to Social Security Administration, DHS, food banks, Arches, UGM, Salvation Army, HOAP, Helping Hands, various other places. Some are as sick as the day they went in and are still unable to care for themselves.

Many of these people are safe downtown. People look out for them. If they were to be trespassed or expelled from downtown they would be at higher risk of injury, lack of food, services, etc. Many of these people do not understand 3-5 word sentences. They may nod their head in understanding but they aren't. Most do not wear watches or know time and date. They would not understand, not being allowed in certain places at certain times. This ordinance would especially target the homeless mentally ill due to their disabilities even though the state of Oregon has determined they are ok to live on our streets.

Marion County already has a backlog of trespass arrests, jail, court return date, release, no show due to no knowledge of date, arrest warrant issued, re-arrest, jail, repeat. Former Marion County Sheriff Jason Meyers testified at the homeless task force that we cannot arrest our way out of this situation.

Homeless mentally ill would be in my opinion the people most affected by this proposed ordinance.

The city of Salem nor Marion County appear to be holding the state of Oregon accountable for their role in this situation nor asking for assistance in solving it.

OREGONS MENTAL HEALTH SYSTEM IS STILL BROKEN AND GETTING WORSE EVERY DAY. THE MENTAL HEALTH CRISIS IS HAPPENING ON OUR STREETS. A BAND AID WONT FIX IT.

RECEIVED

NOV 25 2019

SALEM LEGAL DEPT

The solutions the task force came up with are not in effect. Those of you in attendance tonight who participated know that including a city Councilor.

SALEM CAN DO BETTER. REAL COLLABORATION, COMMUNICATION, FACTS GATHERING, HAVE NOT BEEN HAPPENING, YET, BY THE CITY.

GUARDIANS AND ADVOCATES SHOULD NEVER BE REFERRED TO AS ENABLERS BY ANYONE INCLUDING THOSE HERE TONIGHT.

SOLUTIONS WILL COME WITH RESPECT AT THE TABLE FOR ALL INVOLVED.

Respectfully,

Lorrie Walker

SCAN Vice Chair, Legal Guardian, Advocate, Volunteer.

Mayor Chuck Bennett  
Members of City Council  
Civic Center  
555 Liberty Street SE  
Salem, Oregon 97301

**RE: PROPOSED ORDINANCE 10-19**

Dear Mayor Bennett, Members of Council:

We ask the Council (1) to refrain from the adoption of the proposed Ordinance 10-19; (2) to continue working earnestly on implementation of the recommendations of the Downtown Homeless Task Force and Good Neighbor Partnership; and (3) give full consideration to the Resolves (Resolution No.2019-1) of the Central Area Neighborhood Development Organization (CAN-DO) on the proposed municipal law and the findings of the Northeast Neighbors (NEN).

Citizens in the SCAN Neighborhood are among the volunteers that assist shelter and warming centers. Ours is a neighborhood adjacent to downtown, and downtown is where many of us shop, work, procure services, utilize restaurants, attend performances and cinema showings, educational events, and other activities.

Presently, there is a lack of sufficient or even moderate level of resources and hours of availability at facilities and programs for the homeless and mentally ill in Salem, and enactment of punitive legislation by the Council does not address what are at the core of the homeless issues: addiction, mental and physical health, poverty, lack of work, and absence of safe shelter.

We do support efforts for a more balanced response that acknowledges the full range of human need, of those without shelter, of the business community and the general public; and widening the community dialogue; and resource outreach and resource base.

We do not support the Proposed Sit-Lie or Sidewalk Behavior Ordinance 10-19.

Respectfully,

Jeff Schumacher  
SCAN President, 2019-20

cc: Councillor Tom Andersen (Ward 2)  
Councillor Vanessa Nordyke (Ward 7)

## Amy Johnson

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**From:** Lynelle Wilcox <lynelle@comcast.net>  
**Sent:** Monday, November 25, 2019 12:21 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Opposing sit-lie: About welcoming and safe

**Welcoming goal:** The proposed Sidewalks and Public Space Ordinance aims "to ensure all of Salem remains welcoming to all visitors." If we mean visitors from out of town, it seems like we might be trying to attract visitors by further marginalizing some residents, to make things look pretty.

If we mean ALL people, unsheltered individuals are people too. To presume that unsheltered individuals are not safe people to be around is too broad a paintbrush. Sheltered or not, some people are not safe to be around, and we already have rules and laws and consequences for times that behaviors are not appropriate or safe.

Some of the work is on us, to look inside ourselves at our own biases to identify when and if our metaphorical paintbrushes about people might be too broad. With any group we are not part of, as we get to know individuals, we often find that there are more similarities than we expected, and some fear and "other-ness" often melts away.

If our parameters about people being "safe" are contingent on their access to showers and clean clothes and only experiencing alternate reality moments in the privacy of their own homes, we might want to look deeper than a surface view that paints too many people too broadly to be accurate.

If streets and sidewalks are clean and tidy, at the cost of unsheltered people having fewer places to go, at the cost of many people with disabilities having less ease and more pain, at the cost of more people being at the mercy of the elements, at the costs of more hope lost and more lives lost, streets might be prettier in a way that isn't humane and disables the very moving-forwardness we all hope for people to be able to do.

If we focus on appearance, it seems like a human rights violation, since many people living in poverty do not have the means to look nice and clean, especially since our city has a shortage of bathrooms, showers, and laundry facilities.

In our personal homes, we can sweep dust under the rug and throw clutter into a closet so that our home looks pretty for our guests. I hope that our city is not morally okay with applying those actions to real people, real hearts, real lives.

♥♥. \*..\* . ♥. \*..\* ♥\*..\* ♥\*..\* \*..\* ♥. \*..\* ♥♥. \*..\* ♥♥. \*..\* ♥♥

the highest art is the art of living an ordinary life in an extraordinary manner.

and...

with our thoughts, we make the world.

♥♥. \*..\* . ♥. \*..\* ♥\*..\* ♥\*..\* \*..\* ♥. \*..\* ♥♥. \*..\* ♥♥. \*..\* ♥♥

## Amy Johnson

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**From:** Lynelle Wilcox <lynelle@comcast.net>  
**Sent:** Monday, November 25, 2019 1:56 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Opposing sit-lie: Fact-low risk of harm, status crime, cost-benefit, (lack of) effectiveness  
**Attachments:** b02-who stays at warming shelters long version.doc

**About fears, statistics, and need for education:** It seems that one of the reasons sit-lie is being proposed is that some people are afraid to walk by unsheltered individuals who are resting on sidewalks. Police shared their data that reflects very low risk of a person to person crime against a stranger. It happens as a rare exception, not the rule. And those few person to person crimes against a stranger may be committed by someone who is unsheltered or sheltered. It seems like a lot of fear might subside if police overtly shared those statistics. Why is that not happening?

**About broad paintbrushes/false premises:** With any set of people, it's easy to paint a whole group with a broad paintbrush based on the poor behaviors of a few. Whether we do that with police, people who are homeless, or any other group, we lose accuracy whenever we do that.

Many negative perceptions exist in our culture about people who are homeless and about people who struggle with mental illness. Working at warming shelters and other homeless events, and getting to know people and hear their stories led me to see how my own perceptions about homelessness and mental illness have been inaccurate in so many ways. I'm sharing about who stays at warming shelters, because any of us could become that person. Many of us are a paycheck or two away from being homeless if a life crisis happened and we did not have family or friends who can help.

**Why stories matter:** I question the common premise that stories are irrelevant to the sit-lie ordinance topic. To me, effectiveness, results, and cost-benefit of the ordinance ties so closely to how the ordinance will play out in people's lives, hearts, emotions, and behaviors. Those things ripple to affect how people feel, and how well people are able to comply with the rule.

**Ineffectiveness/cost benefit:** **When we add a rule that "others" people even more, and we add punitive consequences (criminal level or not), we are creating a status crime, perpetuating the spiral of being treated as less-than, with acts of living available to people who have shelter, yet not for people who do not.** Besides the significant risk and associated monetary cost of legal battles about sit-lie violating basic human rights and being unconstitutional, there are other tangible and intangible costs.

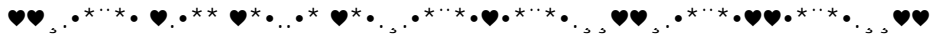
As sit-lie results in tickets, fines, court dates, failures to appear, warrants, book-and-release, things spiral down. Some individuals struggle with mental health, trauma, or addiction and might not have the capacity to understand and comply with the proposed ordinance. And whether or not people have that capacity, the punitive consequences of sit-lie will result in a revolving door to the court system, with citations, fines people cannot afford to pay, depression, anxiety, hopelessness about never being able to get their heads above water, failures to appear because they have no money and no hope, warrants for their arrest, bookings and releases with more fines people cannot afford, and we pay for all of that in law enforcement and court staff time, money, and the ripples of despair when our strategies make it harder for people to do the very things we hope they might do to move forward in their lives.

People's stories can so directly correlate to hope, capacity, energy. Those stories and trauma play out in real life. Sit-lie not only violates basic human rights, but it also adds to the burden, trauma, and other-ness that people are already experiencing. The status quo of so few places for people to be is hard enough. Sit-lie narrows those few options even further, adding to people's hopelessness and despair.



We have common ground in wanting sidewalks to be clear and safe, yet some of the safety is our internal work to do to update our perceptions to reflect the reality of low risk.

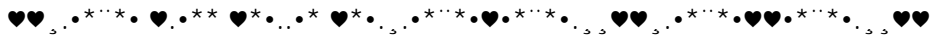
For other aspects, collaborative options exist, more now than ever. We cannot progress by making a new status crime, othering people more, making it harder for people to make the very progress we say we want. When the strategy makes the desired outcome less likely, we need to notice that. Relationships and collaborations are more humane, compassionate, AND are more effective. Lets use those.



the highest art is the art of living an ordinary life in an extraordinary manner.

and...

with our thoughts, we make the world.



When some people asked me about who stays at the warming shelters, I tried to answer. There are some people who fit negative clichés. Sadly, those clichés miss the context and background that shows *\*why\** some people may sometimes reflect the negative clichés. And sadly, those clichés are often perceived as accurate representation of the majority of homeless people, when they are actually the minority in my limited experience.

So, who else stays at the shelters? A very put-together woman, probably my age, who is living in her car with her two cats. She gets up at 4:30 am each weekday morning to go to her caregiving job, working to earn and save enough money to get a place soon. Her past job experience includes executive assistant work, yet she thinks her age is working against her for getting that kind of higher paying work again. Her car needs to be parked somewhere.

A passionate 21 year old kid whose guitar is his lifeline. He aged out of the foster care system and he struggles with mental health being sporadic. He might be sleeping on my street. Possibly in a tent. I hope he has a tent.

A woman who lost her nursing job and used her savings and other resources to live when unemployment ran out. She has no addictions; just no money. She had a car but it stopped running. If it's not legal for her car to be anywhere, where *\*can\** she be?

A kid whose mom and grandmother died. He never knew his dad. He aged out of foster care. He works two part time minimum wage jobs. He usually sleeps in front of an office building and he keeps the storefront very tidy. The office people usually let him come inside to warm up a bit when they arrive to open shop. He sleeps for two shifts of the warming shelter hours, and then he wakes up and works as a volunteer for the third shift, where the hardest work happens. And then he goes to his two jobs.

A Vietnam veteran who shared his experience of the horrors of what "we leave no man behind" can mean. And how no human being, and especially no 18 year old kid can do what was required for that unless you had some escape. And 30 years later, he conquered his heroin addiction, yet the images visit him every night, and counselors do not know how to make that un-happen. So he lives trying to sleep, and trying not to sleep, forevermore. If I lived that horror, could I do any better than he has done?

Multiple women and some men who are homeless as a result of domestic violence. There ARE services for women in those situations, yet there are not enough resources and services to serve all who need those services and supports. And there are very few resources for men who experience domestic violence.

Multiple veterans with PTSD. Even when they are clean and sober, their PTSD can be a significant barrier to employment, and veteran services don't provide the level of mental health care and housing that many people (mis)believe exists.

Many formerly highly-paid professional people who experienced a decline in health, or a disability that resulted in them not being able to do work they used to do, and they have not been able to find another line of work. Living on the streets, trauma is likely to happen to them, so mental and/or physical health might decline and make it even harder for them to find alternate work.

Many people with criminal history who *\*already served their full sentence\**, yet their history remains a barrier to gainful employment and can also remain a barrier for renting a place. (Prompting my own circular ponderings ~ what do we want jail and prison to be? rehabilitation? punishment? both? and when full term has been served, when if ever, is a second chance at employment warranted? Also, "criminal" history includes so MANY things that do not reflect being a danger to others. And we want people to move forward in work and life, yet even when people serve their full sentences, their history so often remains a barrier to the very moving-forward-ness we want people to do. We create our own catch-22 escher loops.)

Women AND men who lost everything as a result of a divorce. Gay kids whose family disowned them because they love people with the same body parts.

Men and women who were dealt terrible terrible hands of both nature and nurture. People who experienced significant trauma that I imagined was the rare exception that movies show; not realizing that terrible nature and terrible nurturing happens way more often than I used to believe. If who we are is hugely determined by some blend of nature and nurture, could I do any better if I had terrible hands of both? Could you? How can we ever know?

People who experienced trauma, and did not have the services, supports, or tools via nature and/or nurture to know how to deal with the traumas in healthy ways. People who might or might not now know of better ways, yet new habits are hard to build, and the times of dealing/avoiding/escaping in unhealthy ways has changed their brains, making it a harder

challenge to shift. And still... so very many get up every morning and try again to be clean, to be sober, to do that again and again for longer than the last time. And many make it, and many others keep trying.

The man who had a house, a savings account, a car, a good job. And cancer happened, and health declined, and medical bills cost more than he had. So he traded his home and security for his life. The many, many men and women who are also in those shoes.

The widows and widowers whose deceased partner was the main breadwinner and money manager. And the living person either doesn't have health and/or marketable job skills, and/or doesn't believe that anything they know or do is marketable. And/or maybe for any number of preventable and/or unpreventable reasons, there wasn't much money left to manage anyway?

The woman whose landlord raised her rent by 50%, and her job and savings didn't enable that to be fiscally viable. And the eviction and lack of first, last, and security are a significant barrier for her to get a different place, even if she could find a place with lower rent, which is already almost as rare and hard to find as unicorns. ~~~~~ Who stays at warming shelters? The musician who writes songs and shares his love song lyrics and I fall in love with his heart. The kid who plays guitar badly, yet passionately, and you can see his anxiety melt as the music centers his being. The woman who hugs me and thanks me for being there as she gets up to go to work at 4:30 each morning. The guy who wants to stay up all night playing question games with me, because it's about who he is as a whole person; not about him being homeless. The men and women who ask me to wake them up at a specific time, so they can get up and get to work on time.

The people who struggle with addiction, yet will fight anyone if someone disrespects me as a warming shelter volunteer, and while that is heart-touching, it's not exactly desirable, and they \*so\* have your back, yet they honor your request not to fight on your behalf, even when their own honor codes would have them do just that.

The foster kids who are in limbo because we suck at preparing kids for life. The men and women who are starved for just being seen as an equitable human being, where a smile and a hello is a treasure worth almost everything. The trans kid who just needed someone to sit with her as she cried. The people who are in alternate reality and even though I cannot fix that, we can leave space for that reality to co-exist with our own.

People who are working to leave homelessness behind them, living on the streets or in cars or tents, and washing up in the bathrooms, leaving early for their jobs.

People who are not physically and/or mentally ready to work, who are struggling with basic survival every day, and might or might not get "there", yet they try again each day. Warriors. ~~~~~ Anyone can slay a dragon, he told me, but trying waking up every morning & loving the world all over again. That's what takes a real hero. ~ brian andreas

At warming shelters and in life, I am so very often surrounded by heroes and angels.

And my heart melts and my heart bursts, and vivid-ness spills all over my days and my thoughts. <3 ~~~~~ Who might become homeless? And who might stay at warming shelters?

My past co-worker, whose husband's Alzheimer's developed to a point that she could no longer care for him at home. And putting him into a place that \*could\* care for him depleted their resources and life savings. And she visited him every day because even though he rarely knew who she was anymore, she knew who he was. And she loved him till death did they part. And if her own health was poor at the time that he died, she may not have been able to rebuild her life and savings from scratch after his death.

My neighbor, who lives on minimal retirement benefits and sometimes lives in an alternate reality. If his alternate reality becomes more detached from more common reality over time...?

My beloved friend when I was a teenager. His depression swallowed his life, and I was too young to know what to do or how to save him. And I still don't know how to save anyone. Yet now I know of some resources. And the resources still might not be enough to save a loved one from depression, addiction, homelessness, or death.

My own kid, if schizophrenia happened to him, and I am dead and he used his inheritance for basic food and shelter and to deal with or escape his mental illness, and the money ran out.

My own mom if my sister and I did not exist when her dementia happened.

My own dad, if he did not have kids who would offer him a place to live, and if he had opted to trade his assets, savings,

and other resources for his life, by trying harder to beat cancer and kidney failure.

My own relative, if she spent all her resources to help her husband recover from a stroke, and if her own retail job ended because, Amazon.

Me, if I developed a traumatic brain injury, and didn't realize I wasn't making sensible fiscal decisions, and my family was not here to take over if necessary.

Anyone, who does all the right things, and saves money for emergencies or rainy days, and life hands them more emergencies and rainy days than their resources can support.

You, if physical and/or mental disabilities happened, if you didn't have family or friends or fiscal assets that were adequate to meet the health costs and support that might be needed.

~~~~~

When I believe homelessness can only happen to \*other\* people, I delude myself. There but for the grace of the universe go I.

Lynelle Wilcox  
503-370-7300  
lynelllex@comcast.net

## Amy Johnson

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**From:** Lynelle Wilcox <lynelle@comcast.net>  
**Sent:** Monday, November 25, 2019 2:34 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Opposing sit-lie: Concerns about the city's premises and reasons about sit-lie

### :CITY NARRATIVE ABOUT THE PROPOSED ORDINANCE

(Comments in red print reflect concerns and/or questions)

Salem responds to growing concerns of activities in public right of way, including sidewalks and parking strips.

Categories: News

<https://www.cityofsalem.net/Pages/salem-responds-to-growing-concerns-of-activities-in-public-right-of-way-including-sidewalks-and-parking-strips.aspx>

August 2, 2019

Later this summer, Salem's City Council will consider additional options to address the impacts of homelessness in Salem. Homelessness in Salem is a complex problem that requires long-term, committed partnerships with public and non-profit agencies and organizations across our community. Together with community leaders, business and property owners, service providers, residents, and advocates for the homeless, the City is working to reduce homelessness and develop proactive solutions to the complex problems that lead to homelessness in our community.

Salem's City Council will consider a new rule to address the impacts of behaviors in the public right of way citywide, including sidewalks and parking strips, by restricting sleeping on the sidewalk throughout Salem between 7 a.m. and 9 p.m., when parks, service provider dayrooms, and other spaces and resources are available. **The new rule aims to ensure all of Salem remains welcoming to all visitors by keeping sidewalks and public spaces clean, and provides another reason to make contact with those in need and help direct them to the appropriate shelters or service.**

With more services in place like toilet facilities, safe and secure storage for personal belongings, and shower facilities in the downtown area, and increasing access to affordable housing throughout our community, the proposed Sidewalks and Public Spaces Ordinance aims to ensure all of Salem remains welcoming to all visitors by keeping sidewalks and public spaces clean. Learn more about the proposed Sidewalks and Public Space Ordinance here.

*The Downtown Homeless Solutions Task Force recommendations include 24/7 public toilet facilities. Toilet facilities are not a reality at this point and a date for 24/7 toilets is not available yet.*

*The Downtown Homeless Solutions Task Force meeting discussions were consistently redirected if topics went broader than the downtown focus of the Task Force. The city-wide scope was not part of the Task Force conversations.*

*The Downtown Homeless Solutions Task Force was not in consensus on the option of revising ordinances to restrict camping or storing personal items on downtown sidewalks during business hours, and some felt that ordinance revision should not be included in the recommendations. Even if this option is being pursued now, the city-wide scope is a surprise and a huge unnecessary shift.*

*The Downtown Homeless Solutions Task Force report states that social service providers are increasing storage capacity for their clients and more will be available when the new UGM shelter is built. Lockers and more storage capacity are not a reality yet.*

*About the aspect of welcoming all visitors: If we mean visitors from out of town, it seems like we might be trying to attract visitors by further marginalizing some residents, to make things look pretty.*

*If we mean ALL people, unsheltered individuals are people too. To presume that unsheltered individuals are not safe people to be around is too broad a paintbrush. Sheltered or not, some people are not safe to be around. We have rules and laws and consequences for times that behaviors are not appropriate or safe.*

The ordinance would restrict erecting structures such as tents or tarps in the right of way all day and all night.

*If the proposed ordinance passes, people could sit or lie on sidewalks from 9:00 pm till 7:00 am. There are many days that weather is terrible, yet warming shelters are not open, and even when warming shelters are open, many people are not able to get to the shelters. Forbidding shelter at all hours disables people from creating or erecting temporary shelter to protect themselves from the elements. People will die, or they will risk exclusions if they opt to protect themselves in spite of the ordinance. How is this ok?*

If enacted, the ordinance allows for medical emergencies, seating for persons with physical disabilities, strollers, sidewalk cafes, attending a parade or other special event, sitting in a chair or bench, waiting for the bus, or other City-permitted activity.

*The ordinance leaves room for physical disability exceptions. Yet many people experience invisible disabilities, i.e. mental illness, arthritis, heart conditions, low blood sugar, medications that have side effects of grogginess, fatigue, confusion. For other people, the stress of always needing to be moving, having few places where it's ok to be, and the actual workload of getting from one permissible place to another is more than they can bear emotionally - so many individuals experience anxiety, stress, PTSD, and traumas and the ordinance restrictions will literally put their physical and mental health and lives at higher risk. How does someone prove those disabilities? For so very many people, it will be impossible for them to comply with the proposed bans.*

In 2018, a task force looked at specific impacts of homelessness in downtown Salem including perceptions of safety, trash, health and hygiene. Work is underway to provide toilet facilities 24/7, safe and secure storage for personal belongings, and shower facilities in the downtown area. These impacts, however, are being seen throughout our community along our streets and sidewalks.

*24/7 toilets and storage facilities are not a reality yet. If sit-lie is necessary at all, it should not be considered till the Task Force recommendations are implemented, and we see how things are at that point.*

With facilities in place **(the facilities are NOT in place!)** and Salem's efforts to increase access to affordable housing in our community, the proposed Sidewalks and Public Space Ordinance aims to ensure all of Salem remains welcoming to all visitors. **See above about "welcoming all visitors".**

1) What does the proposed City of Salem Sidewalks and Public Space Ordinance restrict?

- Sleeping or laying on the sidewalk during the day, from the hours of 7 a.m. to 9 p.m.
- Erecting "campsites" on the sidewalk all day or all night.
- Leaving personal property unattended on the sidewalk all day or night for more than 24 hours.

2) What is the purpose of the proposed Sidewalks and Public Space Ordinance?

- Keeping sidewalks and public spaces clean helps the overall appearance and vitality of city, particularly in commercial areas. Business owners, their employees, and their patrons may also feel more safe using the sidewalks in all areas of the city.

*If our parameters about people being "safe" are contingent on an individual's access to showers and clean clothes and only experiencing alternate reality moments in the privacy of their own homes, that reflects discrimination. Instead of pushing unsheltered individuals to be out of our sight, as long as behaviors are not inappropriate or unsafe, the responsibility is on us to look deeper than a surface view that paints too many people too broadly to be accurate. With any group we are not part of, as we get to know individuals, we often find that there are more similarities than we expected, and some fear and "other-ness" often melts away.*

*Two different businesses shared with me that they were apprehensive when (two different) unsheltered individuals slept in their doorway. Yet as the store owners got to know the them, the individuals became "people" to them. Now, they share morning conversations, coffee, and sometimes snacks with the individuals, and they've come to see them as extra eyes and ears that help keep the store safe after hours. Negative perceptions, hesitancy, or fear shifted to become team work and free security. Realizing that's not possible in every case, yet it shows what might be, if we give shared humanity and collaboration a chance.*

*As an aside... didn't many of us have a crazy relative when we were young? We may not have known the diagnosis, and we may not have had services and supports, yet so many people I knew as I was growing up had times where our families might say something like "Oh, you know that Uncle Jim sometimes has a hard time and he goes off like that. We all help pick up the pieces, and love him anyway." It was "normalized", downplayed, and taken for granted that some people will experience difficult times that we don't understand. They were still "us", our family. (Or was that just my family?)*

*Now, it seems like we have diagnoses, and more supports and services, yet we seem to have stigmatized those behaviors more in our culture, and maybe we let ourselves feel unsafe and "other" the person...? What if we revert back to downplaying and normalizing when fellow human beings have hard times, setting boundaries as needed, and picking up the pieces as we metaphorically and literally "walk each other home"...? If I was a business owner, my customers might feel empathy or fear, based partly on how I respond to the situation and the person. What amazing power and influence we each possess!*

- With the ordinance in place, Salem Police can make contact with those in need and help direct them to the appropriate shelters or service.

*We are blessed that most of our police officers come from compassion, and they already initiate contact sometimes to ask what people might need, so they can provide it, sometimes to share information, resources, and referrals as applicable, as they also implement consequences that already exist when people (sheltered and/or unsheltered) behave in inappropriate or unsafe ways, when warnings and referrals are not effective or appropriate.*

- It also gives Salem Police a tool to use when unsightly and unsanitary temporary structures are being used on the sidewalks, or when individuals establish a presence or camp in front of a business that detracts from or deters visitors to the business through their behavior, trash, or waste.

*If those things are not already addressed in existing rules, then consider an ordinance that is limited to specifically that, with allowance for temporary structures for protection to be permitted during the hours that people can sleep on sidewalks.*

*If tents are not permitted at all, banning tents or structures \*all day and all night\*, isn't reasonable or humane when we don't have enough shelters and beds to fit everyone, and for various reasons, some people cannot stay in shelters. And in the wintertime, when we don't even have enough warming shelter space to fit everyone, what*

*sheltering-themselves options are acceptable, if tents are allowed nowhere?*

*This ordinance would leave many more people more exposed to the elements than they already are, for many more hours of the day and night, and would contribute to more people dying on the streets.*

- 3) Are there exceptions or times where sidewalks and public spaces could be used to set up temporary seating?

*If enacted, the ordinance allows for medical emergencies, seating for persons with physical disabilities, strollers, sidewalk cafes, attending a parade or other special event, sitting in a chair or bench, waiting for the bus, or other City-permitted activity. See above details about also needing exceptions for invisible physical and mental health issues and disabilities.*

- 4) Does the proposed Sidewalks and Public Spaces Ordinance cover the entire city or just downtown? If approved, the proposed ordinance would apply to the entire city.

*The Downtown Homeless Solutions Task Force meeting discussions were consistently redirected if topics went broader than the downtown focus of the Task Force. The city-wide scope was not part of the Task Force conversations.*

- 5) Does the proposed Sidewalks and Public Spaces Ordinance apply to everyone? Yes. All laws must be applied and enforced uniformly.

- 6) If homeless individuals can't sit on the sidewalk during the day, where will they go? Over the past several years, due to the City Council's priority of addressing our community's homeless, a variety of options are available for food, shelter, storage, and other personal needs. Available services include Arches, Union Gospel Mission, Salvation Army, parks and city benches, or churches or social service agencies who allow such activity.

*Storage is not yet a reality. Parks and public benches may be options in good weather, yet we've removed many benches so they don't attract homeless people to sit or sleep there. There are day centers, yet Arches closes at 3:00 pm, HOAP closes at 2:00 pm (and some of their hours are for women only), and both are closed on weekends. UGM is for men only, and doesn't allow pets in their day center, so that rule results in excluding some guests. Salvation Army has guests leave after breakfast, until dinner time. Most churches and social service agencies have set hours that would leave unsheltered neighbors with no sheltered space to go for many hours of the day, especially on weekends.*

*And even if every unsheltered person acts on service referrals from officers and others, that connection doesn't result in a place to BE. Acting on referrals might lead someone to get assessed and added to a housing list, with a long time before they might be housed. Acting on referrals might get them to see a counselor once a week at HOAP, or might get them to rehab, but they still won't have a place to live when the counselor meeting is over, or when they complete a rehab program.*

*As a sheltered person, I can relax in my living room between appointments. When someone doesn't have a living room, or ANY room to call their own, where CAN they rest, sleep, BE? Acting on referrals might lead people to spend most of their day time at a day center, yet on weekdays, most day centers close before the ban time ends, and most day centers are closed on weekends. And even if every unsheltered person tries to abide by the bans, the places listed as permissible for people to be cannot fit everyone who is unsheltered, and there will be many hours where those places are closed.*

*There is a common premise that if you are homeless, you should be actively doing things to move forward, so you should BE at the agencies that provide services and supports. The reality is that many people ARE accessing those services, yet practically requiring homeless people to be in those places or a park seems contrary to basic human dignity and equal rights to access and use public space, as long as behaviors are appropriate.*

- 7) Can offenders be jailed? Not for simply being in violation of the conduct regulated by the ordinance. Repeat violations can lead to an exclusion order. Violation of an exclusion order can lead to a citation for trespass, which carries criminal sanction and possibly jail.



*While the proposed ordinance allows for warnings and exclusions first, we are fortunate that most police officers already come from compassion and are already offering warnings and exclusions first. Yet with narrower options for where people can be, even if it's by result and not intent, the proposed ordinance seems to criminalize existence. With fewer permissible places to be, the warnings are likely to happen quickly, leading to the more punitive consequences that will result in combinations of more charges, fines, fees, more criminal history, and jail time.*

*Many unsheltered individuals experience health issues or physical and/or mental disabilities; most are already marginalized; and all are already in situations where it's incredibly hard to build or maintain hope. Hope is crucial for the moving forward steps we all wish for people to take. More criminal history narrows paths for hope, partly because it creates more fiscal burdens to unbury from, **as it also narrows housing and employment options.** Catch-22 circles.*

- 8) What about Boise? This ordinance was written based on the 9th Circuit's decision in Martin v. City of Boise and complies with the outcome of that case. See the Idaho news article for more information.
- 9) What about the City of Portland case? The City of Portland enacted a similar ordinance several years ago, that an Oregon circuit court judge invalidated because it was found in conflict with an Oregon criminal law for pedestrian interference. The proposed Sidewalks and Public Spaces Ordinance avoids this issue by:

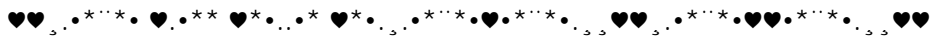
- 1) not imposing criminal sanctions (no jail) and

*Adding some steps doesn't negate the reality that exclusions will happen for people existing, even if behaviors are not inappropriate. And if the ban is city-wide, it will be inevitable that people end up violating the exclusion order, which can lead to a citation for trespass, which carries criminal sanction, and possibly jail.*

- 2) specifically addressing appearance and enhancement of community vitality. This ordinance is not directed at preserving physical pedestrian access or public safety.

*Specifically addressing appearance seems to include a focus on how people look, even if behaviors are not inappropriate. That in itself seems like a human rights violation. Yet many conversations and narratives about this proposed ordinance reflect the priority of enabling clear and safe passage on sidewalks and business entryways, contradicting the sentence that **"This ordinance is not directed at preserving physical pedestrian access or public safety."***

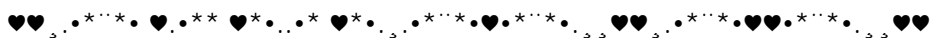
*For #8 and #9, it seems like the city is creating language to create loopholes so that the Boise and Portland rulings might not apply. That might meet the letter of both cases, yet falls short of the intent of the rulings in those cases.*



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and...

with our thoughts, we make the world.



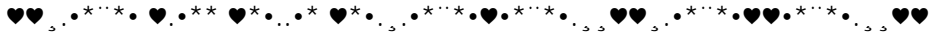
## Amy Johnson

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**From:** Lynelle Wilcox <lynelle@comcast.net>  
**Sent:** Monday, November 25, 2019 2:42 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Opposing sit-lie: Facts about trauma, reality about what people can do, and the "homeless brain"

This link shares facts about trauma - the realities of how trauma affects the brain. As you consider sit-lie, it is crucial to consider facts about trauma. Otherwise, any decision lacks the details about what is and is not realistic to expect of people who are experiencing trauma and living in survival mode.

<https://youcandosalem.blogspot.com/search?q=homeless+brain>



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## Amy Johnson

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**From:** Lynelle Wilcox <lynelle@comcast.net>  
**Sent:** Monday, November 25, 2019 2:55 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Opposing sit-lie: Cost-benefit, implementation disparity, and status crime concern

**Concerns about the sit-lie ban:** Unsheltered individuals and advocates oppose the sit-lie ban for many reasons - it violates basic human rights, it discriminates against people with invisible disabilities, there are safety and other valid reasons some people rest/sleep during the day, the ban focuses on existence instead of behaviors, there are existing rules & cooperative ways to resolve inappropriate behaviors, more supports are available to businesses, and there is nowhere for people to go that has the capacity and hours to fit all the people who would be affected by the proposed ban.

Beyond those reasons, there is huge concern about the ordinance because **the city is sharing vastly different information about how sit-lie would be implemented.**

Whatever you think about sit-lie, implementation intentions can be a huge defining factor for supporting or opposing the ordinance, and implementation premises would understandably hugely influence how City Councilors will vote. A vote cannot have integrity if people are voting based on vastly different premises.

**What we're being told about sit-lie:**

Multiple city officials have responded to people who oppose the ban by sharing that sit-lie rules would be used rarely, selectively, for just a few people who often cause problems.

Advocates have also heard from some people who support the sit-lie ban BECAUSE they have been told that sit-lie rules would be used selectively, and would not be a sidewalk sweep situation.

Yet many sit-lie supporters convey that they support the ordinance BECAUSE they have been told, read, and believe that the sit-lie ban will get rid of anyone sitting or lying.

**What is actually written by the city about sit-lie:**

The ordinance itself speaks about sidewalks not being appropriate for sitting/lying, and city narratives speak about keeping sidewalks clean, and specifically say that the ordinance **would be** applied to all people consistently.

**Disparity:** Whichever is true, one group or the other is being set up to have their expectations dashed because of the city's duplicity about whether the sit-lie ban would be applied broadly to all, or selectively and narrowly.

**Which set of city information should we believe?** Should we believe what the city has written in the proposed ordinance and what the city has written in the narratives about the proposed ordinance?

Or should we believe the verbal assurances that sit-lie rules would be applied very selectively, rarely, and with compassion?

**Or, flipping the question... which set of city information are we supposed to NOT believe?**

If there is a premise that just the existence of the sit-lie ban will result in people not sitting or lying on sidewalks, I am deeply concerned.

If we are perceiving sit-lie as a preventive measure, we are asking people to basically be downtown mostly when we won't have to see them, unless they can be paying customers. When we add a rule that "others" people even more, and we add punitive consequences (criminal level or not), **we are creating a status crime**, and perpetuating the spiral of being treated as less-than, with acts of living available to people who have shelter, yet not for people who do not.

PLEASE do not let our city create this status crime. People are already treated as less-than, losing dignity and self along the way, and their shame is bigger than others' disapproval. Making someone MORE other'd is not only inhumane; it also disables people from doing the very things they might do to make progress in their lives. Sit-lie will disable the very things we wish for people's lives.

~~~~~

About the implementation disparity:

I asked a Lieutenant Upkes this question:

Pretend sit-lie has passed. It's 5pm on a cold, windy, snowy winter night. I'm connected with services - I'm on a

housing wait list with Arches; I see my mental health counselor weekly at HOAP. I've connected with Goodwill and they've helped me write a resumé. Yet even if I get job quickly, it will be a long while before I will have a place to live. (And many people experience disabilities that prevent them from working yet, or ever.)

So... it's 5 pm on a weekday, or it's a weekend. So Arches is closed; HOAP is closed; other people are on the downtown benches; I'm a female, so I can't sit and rest at Union Gospel Mission, and the park has no shelter from the wind and snow. I've been walking all day; I'm tired. I can't sit or lie down till 9pm. Where do I go?

The Lieutenant said that my options are to go to the park anyway. Or I can walk. Or I can remain standing. But he'd need to issue an exclusion order if I will still sit or lie on the sidewalk, even if I am not blocking any passage, and even if I am not behaving inappropriately.

So in this scenario, I have a 4 hour window where I need to be at a park, or standing, or walking. How is that humane?

~~~~~

Meanwhile, another advocate asked a different officer a similar question. That officer conveyed that he'd need to confirm by phone that other options are not open. And if he confirmed that, then he'd need to accept that the person CAN sit or lie because other options are not available.

~~~~~

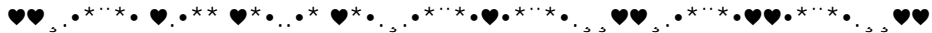
Meanwhile, another official shared that the officer would need to not only say where the person CAN go, but the officer would need to bring the person to the other option if the person was not able to get there on their own.

~~~~~

Which is it?

Until/unless we know what's true, a real vote cannot happen with any integrity.

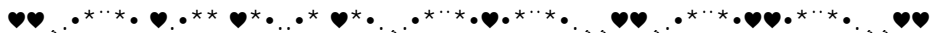
ACLU quote: "People do not lose their right to exist in a public place when they lose a home."  
[https://www.aclu.org/press-releases/aclu-statement-durangos-anti-homeless-sit-lie-ordinance?fbclid=IwAR2PlomaTd2oC3FjVl\\_oPlhc7IaGkedK\\_eP4iwuMZ1hi-NAaQJNsCAgC2\\_k](https://www.aclu.org/press-releases/aclu-statement-durangos-anti-homeless-sit-lie-ordinance?fbclid=IwAR2PlomaTd2oC3FjVl_oPlhc7IaGkedK_eP4iwuMZ1hi-NAaQJNsCAgC2_k)



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and...

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## Amy Johnson

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**From:** Grant Yoder <grantmlyoder@gmail.com>  
**Sent:** Monday, November 25, 2019 1:59 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Opposing Sit/Lie Ordinance

Hello,  
I am a life long citizen of Salem.  
I work, live, play, and raise my family in this city.

I firmly and adamantly oppose this ordinance. This ordinance criminalizes poverty and gums up the justice system which is already overburdened. This concept is a significant step in the wrong direction from other tools our city, county, and state have been developing to take common sense approaches to public issues including justice reinvestment, specialty courts, and conflict intervention training.

Do not criminalize poverty especially if it is not hand in hand with a solution for the issue.

My children and I will attend the meeting this evening.