



CITY COUNCIL MEETING MINUTES

Vancouver City Hall | Council Chambers | 415 W. 6th St.
PO Box 1995 | Vancouver, WA 98668-1995
www.cityofvancouver.us

Anne McEnery-Ogle, Mayor

Bart Hansen • Ty Stober • Erik Paulsen • Sarah J. Fox • Diana H. Perez • Kim D. Harless

November 7, 2022

WORKSHOPS

Vancouver City Hall - Council Chambers - 415 W 6th Street, Vancouver WA

Workshops were conducted in person in the Council Chambers of City Hall. Members of the public were invited to view the meeting in person, via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, or www.facebook.com/VancouverUS.

View the CVTV video recording, including presentations and discussion, for workshops at:

https://www.cvtv.org/vid_link/35127?startStreamAt=0&stopStreamAt=5762

4:00-5:00 p.m. 2023 Washington State Legislative Agenda

Aaron Lande, Program and Policy Manager, 360-487-8612; Brian Enslow, Arbutus Consulting

Summary

Staff led Council through a discussion of the 2023 Washington State Legislative Agenda.

Councilmember Fox was absent for the 2023 Washington State Legislative Agenda Workshop.

5:00-6:00 p.m. 2023-2024 Biennial Budget

Natasha Ramras, Chief Financial Officer, 360-487-8484

Summary

Staff led Council through a discussion of the 2023-2024 Biennial Budget.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

REGULAR COUNCIL MEETING

This meeting was conducted as a hybrid meeting with in person and remote viewing and participation over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting in person, via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS. Public access and testimony on Consent Agenda items and under Public Hearings were also facilitated via the GoToMeeting conference call.

Vancouver City Council meeting minutes are a record of the action taken by Council. To view the CVTV video recording, including presentations, testimony and discussion, for this meeting please visit:

https://www.cvtv.org/vid_link/35129?startStreamAt=0&stopStreamAt=12865

Electronic audio recording of City Council meetings are kept on file in the office of the City Clerk for a period of six years.

Pledge of Allegiance

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnerny-Ogle. This meeting was conducted as a hybrid meeting, including both in person and remotely over video conference.

Present: Councilmembers Harless, Perez, Fox, Paulsen, Stober, Hansen, and Mayor McEnerny-Ogle

Absent: None

Councilmember Fox attended the meeting remotely.

Approval of Minutes

Minutes - September 19, 2022

Motion by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of September 19, 2022.

Minutes - September 26, 2022

Motion by Councilmember Stober, seconded by Councilmember Harless, and carried unanimously to approve the meeting minutes of September 26, 2022.

Community Communications (Items 1-5)

Mayor McEnery-Ogle opened Community Communication and received testimony from the following community members regarding Consent Agenda Items 1-5:

- Kimberlee Elbon, La Center, WA

There being no further testimony, Mayor McEnery-Ogle closed Community Communication.

Consent Agenda (Items 1-5)

Council requested Item 4 be pulled.

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously to approve Items 1-3 and 5 on the Consent Agenda.

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously to approve Item 4 on the Consent Agenda.

1. **Interlocal Agreement with Clark Public Utilities (CPU) for Overhead Electric Line Relocation associated with the NE 68th Street transportation project (on NE 68th Street from NE 28th Avenue to St Johns Road. (Project #PRJ072462)**

Staff Report: 158-22

The NE 68th Street transportation project is a joint project between the City of Vancouver and Clark County. The project spans NE 68th Street between Highway 99 and St Johns Road. The City portion of the project is between NE 28th Avenue and St Johns Road.

The City and CPU have been working cooperatively to complete the NE 68th Street transportation project. Relocation is required for CPU facilities. When CPU has facilities located within the right-of-way, CPU is responsible for the cost of relocation to accommodate roadway reconstruction. When the facilities are located in CPU easements, CPU can require reimbursement for the relocation of the facilities. An Interlocal Agreement must be executed to enable the City to reimburse CPU for these costs.

Request: Authorize the City Manager or designee to sign an Interlocal Agreement with Clark Public Utilities for reimbursement of expenses for Overhead Electric Line Relocation – NE 68th Street transportation improvement project, currently estimate to be \$22,947.97 which includes sales tax.

*Ivar Christensen, PE, Senior Civil Engineer, 360-487-7765;
Hassan Abdalla, PE, Engineering Manager, 360-487-7704*

Motion approved the request.

2. Collective Bargaining Agreement with the American Federation of State, City and Municipal Employees (AFSCME), Local 307VC, AFL-CIO

Staff Report: 159-22

The labor agreement between the City and the Collective Bargaining Agreement with the American Federation of State, City and Municipal Employees (AFSCME), Local 307VC, AFL-CIO bargaining unit expired on December 31, 2021. The parties were able to work through a collaborative process and consensual decision making on many of the provisions for a new three-year agreement. The new labor agreement was recently ratified by the AFSCME members and is now being brought to Council for approval.

Request: Authorize the City Manager or designee to sign the January 1, 2022 to December 31, 2024 Collective Bargaining Agreement with the American Federation of State, City and Municipal Employees (AFSCME), Local 307VC, AFL-CIO, by executing the same.

Lisa Takach, Human Resources Director, 360-487-8611

Motion approved the request.

3. Collective Bargaining Agreement with the Joint Labor Coalition (JLC) consisting of Teamsters, Local #58, IAM District Lodge #W24, Plumbers & Steamfitters and Local #290

Staff Report: 160-22

The labor agreement between the City and the JLC bargaining unit expired on December 31, 2021. The parties were able to work through a collaborative process and consensual decision making on many of the provisions for a new three-year agreement. The new labor agreement was recently ratified by the JLC members and is now being brought to Council for approval.

Request: Authorize the City Manager or designee to sign the January 1, 2022, to December 31, 2024, Collective Bargaining Agreement with the Joint Labor Coalition by executing the same.

Lisa Takach, Human Resources Director, 360-487-8611

Motion approved the request.

4. Purchase and Sale Agreement(s) for future Fire Station #6

Staff Report: 161-22

As the City of Vancouver continues to grow, so do the public safety needs of our residents. As part of our continued efforts to maintain the best public safety policies and practices, the City of Vancouver completed a Long Range Facility Plan for the City's Fire Department. Upon completion of this plan, it was determined that the City would best be served by re-locating Fire Station #6, currently located at 3216 NE 112th Avenue, to a larger property within the service area and ideally in close proximity to the current central station location in order to continue to provide fire and public safety services to this area.

Upon locating a site that met the requirements, the City began negotiating with the owners, who are related, for the purchase of two adjacent parcels comprising the location. The purchase of these parcels will allow for a site that is larger and better situated on the street network than the current site of Fire Station #6. This new location will allow Fire Station #6 to serve the most miles traveled in the fewest minutes of response and will better serve our firefighting and emergency medical incident response requirements.

The combined property consists of approximately 68,389 square feet (1.57 acres) and each Purchase and Sale Agreement is contingent on the City acquiring both properties because the site requires both parcels in order to provide an adequately sized and accessible Fire Station site.

The City was provided a due diligence period and has conducted an investigation of the properties, satisfying that contingency. The Purchase and Sale Agreements contemplate a closing date on or before December 31, 2022.

Request: Ratify the purchase and sale agreement(s) entered into between the City of Vancouver and Mathew Tech and Che Tan; Khuon Lim and Sovanara Meas, co-trustees Lim Family

Revocable Trust to purchase real property at the total purchase price of \$1,250,000 (162631-000 \$575,000 and 162609-000 \$675,000). Authorize the City Manager or designee to execute documents necessary to close this transaction.

Linda Carlson, Property Management Specialist, 360-487-8423

Motion approved the request.

5. Approval of Claim Vouchers

Request: Approve claim vouchers for November 7, 2022.

Motion approved claim vouchers in the amount of \$16,608,359.63.

Public Hearings (Items 6-7)

6. Garbage, Recycling and Organics Collection Rate Increases for 2023

Staff Report: 155-22

AN ORDINANCE relating to the collection of solid waste, recyclable materials and organics, and amending certain sections of VMC 6.12 to increase or adjust rates and charges consistent with approved utility user taxes and rates and in accordance with current contracts for the coming year; providing for savings, severability and an effective date.

City Council is the rate-making authority for garbage, residential recycling, and organics collection services within the City of Vancouver. The City contracts with a private hauling company, Waste Connections of Washington, to provide comprehensive garbage, recycling and organics collection services to residents and businesses within city limits. The contract terms authorize Waste Connections to receive annual adjustments to customer rates based on changing operating conditions including:

- an inflation adjustment factor tied to a percentage of the CPI and fuel cost changes over the past year (July through June),*
- disposal tip fee changes scheduled for the coming year,*
- the number of customers served and,*
- fees paid to the City to support solid waste related programs.*

All adjustments to rates are made in accordance with Exhibit D of the contract. Garbage rates also include the City's utility tax that is embedded within them. The City's utility tax does not apply to recycling or organics collection services.

Consistent with the contract, the updated model for 2023 requires an increase of 8.5 percent for most garbage rates, while many recycling, organics and selected other fees, not linked to the disposal tip fee or utility tax, will need to increase by 9.4 percent, effective January 1, 2023. Key reasons for this increase are an 8.586 percent increase in the CPI, a 48.62 percent increase in the diesel fuel index, and a 6.5 percent increase in the disposal tip fee. For the most typical residential customer with 32-gallons per week of garbage, every-other-week recycling and every-other-week organics collection (96-gallons for each) this means a monthly rate increase of 6.6 percent, from \$33.33 per month to \$35.54 per month, this is a net increase of \$2.21 per month.

Inflation Adjustment Factor

Under the contract, collection costs for garbage, recycling and organics adjust at 80 percent of a blended and combined CPI (92 percent) and diesel fuel index (8 percent) – Inflation Adjustment Factor (IAF), which leads to a 9.43 percent increase for the collection and disposal cost component, the City Fee and other miscellaneous fees.

Disposal Tip Fees

On January 1, 2023, the disposal tip fee is scheduled to increase \$6.46 per ton (or 6.5 percent) from \$99.88 per ton to \$106.34 per ton. In addition to the allowed CPI increase on the base tip fee (going from \$98.08 per ton to \$104.40 per ton), this tip fee includes \$0.51 per ton for additional work being done under the Clark County contract by Columbia Resource Company at the Central Transfer and Recycling Station (\$0.14 of this is new for 2023 related to construction access improvements for safety) as well as \$1.43 per ton for a surcharge approved by the Clark County Council in 2017 to make up for lost state funding for regional solid waste programs and planning.

Recycling Fees

The rates proposed for January 1, 2023, include a subsidy or rate-buy down of \$0.72/month per household paid to Waste Connections from the City's Solid Waste Fund to support curbside recycling service provided to individual households (adjusting customer monthly charges from the current fee of \$3.37 to \$2.97, an 11.9 percent decrease). The multi-family recycling collection service fees (increasing from \$1.36 to \$1.49) are based solely on the Inflation Adjustment Factor detailed above, without a subsidy, as well as annual adjustments to the recycling processing surcharges, which were added April 1, 2019 to recover costs associated with the local response to the global market issues and the ongoing need for supplying quality materials to these markets. Based on a review of operational factors, Clark County has indicated that the \$48.56 per ton processing fee in 2022 will be adjusted to \$41.73 on January 1, 2023. The combined impact for the combined curbside recycling fee and processing surcharge components is an 8.3 percent decrease (\$0.34 per month) in curbside recycling charges. The multi-family combined impact for the recycling fee and

processing surcharge is an increase of 15.7 percent (\$0.26/mo).

Organics Fees

The rates proposed for January 1, 2023, include 9.4 percent adjustments to the organics rates which are tied to the Inflation Adjustment Factor. For the standard subscription service of 96-gallons collected every-other-week, the current rate of \$8.05 per month adjusts to \$8.81 per month. Recommended 2023 rates at other levels of service, following the same every-other-week schedule, are \$7.62 for 64-gallon carts, \$6.44 for 32-gallon carts, and \$5.25 for 20-gallon carts.

Contractor Performance

During 2022 the contractor made operational changes to garbage and recycling services provided outside of Vancouver's city limits that resulted in significantly increased call and email volumes to their regional Customer Service call center. These changes had a negative impact to Vancouver customers' ability to experience the level of customer service expected in the City's contract. As a result, and pursuant to Section 3.3.2 of the contract (attached), City staff is currently working with the contractor on a strategy to address this performance concern so that our residents are not "left hanging" when they call in or email the company to address their service, billing or account set-up needs.

Typical Residential Rate Impact

For 2023 overall, the combined typical residential customer rates for 32-gallons of weekly garbage service with recycling and organics collection increases 6.6 percent or \$2.21 per month under the proposed rates. This reflects a \$1.79 increase in garbage charges, a net \$0.34 decrease in the combined recycling collection rate and recycling processing surcharge fees, and a \$0.76 increase in the organics charge. Households that have chosen different service levels may experience slightly different rate impacts.

Staff recommends adjusting customer rates as detailed in the Summary of Proposed 2023 Solid Waste Rates to meet the contractual obligations associated with the defined Inflation Adjustment Factor and anticipated tip fee changes and to set the City Fee amount for the coming year. If approved, all adjustments will be effective January 1, 2023.

Request: On November 7, 2022, subject to second reading and public hearing, approve ordinance.

Julie Gilbertson, Solid Waste Supervisor, 360-487-7162

Julie Gilbertson, Solid Waste Supervisor, provided an overview of the Garbage, Recycling and Organics Collection Rate Increases for 2023.

Mayor McEnerny-Ogle read the Ordinance title into the record. Council

discussed the Item briefly with staff.

Mayor McEnerny-Ogle opened the public hearing and received testimony from the following community members:

- Katherine Whitney, Vancouver
- Kimberlee Elbon, La Center, WA

There being no further testimony, Mayor McEnerny-Ogle closed the public hearing.

Motion by Councilmember Paulsen, seconded by Councilmember Hansen, and carried unanimously to approve Ordinance M-4381.

7. Ordinance amending Section VMC 3.40.070 (A) authorizing the Vancouver Transportation Benefit District to establish up to one-tenth of one percent sales and use tax

Staff Report: 156-22

AN ORDINANCE of the City of Vancouver authorizing the Vancouver Transportation Benefit District Board to establish an up to one-tenth of one percent (.1%) sales and use tax pursuant to RCW 36.73.065(4)(a)(v); adopting legislative findings; amending Section 3.40.070(A) of the Vancouver Municipal Code to reflect recent changes in state law; providing for severability; and setting an immediate effective date.

The City of Vancouver created a transportation benefit district (TBD) in 2015 to generate additional funding for transportation infrastructure in the City. Though the TBD is a separate legal entity with a governing body separate from the City Council, the members of the City Council sit as the governing board of the TBD.

At the time of the Vancouver TBD creation, state law defined the revenue options to fund TBDs as including councilmanic approval for vehicle license fees and a voted option for sales and use tax. During the 2022 legislative session, Senate Bill 5974 increased the maximum transportation benefit district sales tax authority from 0.2 to 0.3% and authorized the TBD governing board to impose 0.1% of the sales tax under councilmanic authority for up to 10 years.

The Vancouver Municipal Code (VMC) chapter 3.40 established the Vancouver TBD and its associated authority. This code needs to be updated to incorporate the new authority granted to the TBD by the State in 2022 before the Vancouver TBD can consider implementing the new sales tax. The amendment to the municipal code falls under the authority of the City Council.

If the City Council approves amendment of VMC 3.40 to authorize the TBD to implement the sales tax, a separate, subsequent action by the TBD is required to implement the tax. The first reading on that action is planned following the City Council meeting on October 24.

Because this new revenue is anticipated as part of the recommended City of Vancouver 2023-24 biennial budget, it is being brought forward to Council (to amend the VMC to authorize the TBD) and the TBD (to enact) in advance of City Council's final action on the budget. This sequencing and timing supports greater predictability in budget adoption and assures procedural compliance with the City Charter and Open Public Meetings Act (OPMA) for both the City Council and the TBD.

The attached ordinance updates the relevant section of the VMC to reflect the recent change in state legislation.

Request: On November 7, 2022, subject to second reading and public hearing, approve ordinance.

Taylor Hallvik, Assistant City Attorney III, 360-487-8521

Mayor McEnemy-Ogle read the Ordinance title into the record.

Eric Holmes, City Manager, explained there was a procedural glitch, and the incorrect Ordinance was attached to the staff report. The other legal notifications and processes were followed correctly. The public hearing would be opened and would continue through the November 14, 2022, City Council Meeting.

Taylor Hallvik, Assistant City Attorney, provided an overview of the Ordinance Amending Section VMC 3.40.070 (A) authorizing the Vancouver Transportation Benefit District to establish up to one-tenth of one percent sales and use tax.

Mayor McEnemy-Ogle opened the public hearing and received testimony from the following community members:

- Kimberlee Elbon, La Center, WA

There was no further testimony.

Motion by Councilmember Paulsen, seconded by Councilmember Hansen, and carried unanimously to move the Public Hearing and public testimony to November 14, 2022.

Community Communications (Items 8-9)

This is the place on the agenda where the public is invited to speak

to Council regarding the items listed under Unfinished Business. Members of the public addressing Council are requested to give their name and city of residence for the audio record. Speakers are asked to limit testimony to three minutes.

Unfinished Business (Item 8-9)

8. **Appointment of committees to prepare arguments advocating voters' approval and rejection of the Affordable Housing Levy Replacement proposition pursuant to RCW 29A.32.280**

Staff Report: 129-22

RCW 29A.32.280 directs a legislative authority submitting a measure to voters to appoint a committee to prepare arguments advocating voters' approval and rejection of the measure. Specifically, RCW 29A.32.280 provides as follows regarding the composition of the committees and the county auditor's role if the legislative authority fails to appoint committees by the resolution submission deadline:

"[...] The authority shall appoint persons known to favor the measure to serve on the committee advocating approval and shall, whenever possible, appoint persons known to oppose the measure to serve on the committee advocating rejection. Each committee shall have not more than three members, however, a committee may seek the advice of any person or persons. If the legislative authority of a unit of local government fails to make such appointments by the prescribed deadline, the county auditor shall whenever possible make the appointments."

At the September 19, 2022, City Council Meeting, Council approved a resolution submitting a ballot proposition to voters that would replace the City's expiring Affordable Housing Levy. Following this action, Council discussed potential committee members to serve on the committee to advocate approval of the Affordable Housing Levy Replacement proposition. Councilmembers Sarah Fox and Kim Harless volunteered to serve on the committee advocating for approval of the proposition. After a brief discussion, Council recommended that staff reach out to Alishia Topper to inquire about her interest in serving on the committee to advocate for approval of the proposition. Alishia Topper indicated that she would be willing to serve on this committee.

Request: *Should council wish to defer selection of a committee to the Clark County Auditor, no action is needed.*

1. By motion, formally appoint a committee to prepare arguments advocating voters' approval of the Council's Affordable Housing Levy Replacement proposition.
2. By motion, formally appoint a committee to prepare

arguments advocating voters' rejection of the Council's Affordable Housing Levy Replacement proposition.

Samantha Whitley, Housing Programs Manager, 360-487-7952

Taylor Hallvik, Assistant City Attorney, provided an overview of the Appointment of committees to prepare arguments advocating voters' approval and rejection of the Affordable Housing Levy Replacement proposition pursuant to RCW 29A.32.280.

Mayor McEnerny-Ogle opened the public hearing and received testimony from the following community members:

- Kimberlee Elbon, La Center, WA
- Katherine Whitney, Vancouver

There being no further testimony, Mayor McEnerny-Ogle closed the public hearing.

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously to approve the formal appointment of a committee to prepare arguments advocating voters' approval of the Council's Affordable Housing Levy Replacement proposition. The committee consists of Councilmember Fox, Councilmember Harless, and Alicia Topper.

Councilmember Perez volunteered to be an alternate for the committee if necessary.

Council agreed to have the County Auditor appoint a committee to prepare arguments advocating voters' rejection of the Council's Affordable Housing Levy Replacement proposition.

9. Safe Stay Community 3 Update

Request: Having heard and considered public testimony, direct City Staff to resume processing this potential Safe Stay Community in the manner prescribed by City code.

Aaron Lande, Program and Policy Development Manager, 360-487-8612

Aaron Lande, Program and Policy Development Manager, and Jamie Spinelli, Homeless Response Coordinator, provided an overview of the Safe Stay Community 3 Update.

Mayor McEnerny-Ogle opened the floor for public testimony and received testimony from the following community members:

- Kimberlee Elbon, La Center, WA
- Albert Schlotfeldt, Vancouver
- Terry Phillips, Vancouver
- Katherine Whitney, Vancouver
- James Couch, Vancouver
- Kenneth Williams, Vancouver
- Nancy Schultz, Vancouver
- Thomas Phelan, Vancouver
- Leah Perkel, Vancouver
- Ron Fredericksen, Vancouver
- Tiffany Couch, Vancouver
- Holly Williams, Vancouver
- Tatum Dwyre-Seitz, Vancouver
- Michael Walker, Vancouver
- Peter Bracchi, Vancouver
- Monica Zazueta, Vancouver
- Linda Glover, Vancouver
- Adam Kravitz, Vancouver

There being no further testimony, Mayor McEnerny-Ogle closed the public testimony.

Council discussed the Item with staff at length.

Motion by Mayor McEnerny-Ogle, seconded by Councilmember Paulsen, and carried 5-2, to direct City staff to resume processing the potential Safe Stay Community 3 location. Councilmembers Fox and Hansen voted No.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

SE 34th Street Safety and Mobility Project Proposed Final Design

Emily Benoit, Senior Planner, provided an update regarding the SE 34th Street Safety and Mobility Project Proposal Final.

Climate Strategies Review

Rebecca Small, Senior Policy Analyst, provided an update regarding Climate Strategies Review.

Adjournment

10:02 p.m.

DocuSigned by:

Anne McEnerny-Ogle

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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

Natasha Ramras

BCF0734E40E94AE...

Natasha Ramras, City Clerk

STAHANCYK, KENT & HOOK P.C.
Attorneys at Law

Portland Office

2400 SW 4th Avenue
Portland, Oregon 97201
Telephone: (503) 222-9115
Facsimile: (503) 222-4037

Vancouver Office

400 West 11th Street
Vancouver, Washington 98660
Telephone: (360) 750-9115
Facsimile: (360) 750-7453

Astoria Office

552 Commercial Street
Astoria, Oregon 97103
Telephone: (503) 325-9115
Facsimile: (503) 325-9117



www.stahancyk.com

Bend Office

158 NE Greenwood Avenue, Suite 1
Bend, Oregon 97701
Telephone: (541) 318-9115
Facsimile: (541) 318-9116

Prineville Office

105 SW Beaver Street
Prineville, Oregon 97754
Telephone: (541) 447-9115
Facsimile: (541) 416-0798

Eugene Office

834 Pearl Street
Eugene, Oregon 97401
Telephone: (541) 743-9115
Facsimile: (541) 318-9116

Via Email

October 28, 2022

Eric Holmes
City of Vancouver City Manager
City Hall
415 W. 6th Street, 2nd Floor
Vancouver, WA 98660
Eric.holmes@cityofvancouver.us

Re: Proposed SSC#3 415 W 11th Street, Vancouver, WA 98660

Dear Eric:

In regard to the above- noted matter, please find enclosed herewith Written Testimony of Joel Ken on Behalf of Second Empire, LLC.

Very truly yours,

 for:

Joel Kent

MLP/abs
Enclosure

Cc: Lon Pluckhahn Pluckhahn, Lon.Pluckhahn@cityofvancouver.us
Jamie Spinelli Jamie.Spinelli@cityofvancouver.us
Tyler Chavers Tyler.Chavers@cityofvancouver.us
Kerry Peck Kerry.Peck@cityofvancouver.us

REGARDING:

Stay Safe Community No. 3: 415 W. 11th
Street, Vancouver, WA 98660

WRITTEN TESTIMONY OF JOEL KENT
ON BEHALF OF SECOND EMPIRE, LLC

Comment Period Closing October 28, 2022

I, Joel Kent, submit the following testimony as owner and representative of Second Empire, LLC the owner of the Charles Brown House at 400 West 11th St. Vancouver, Washington, 98660 situated almost directly across from the proposed location for the Stay Safe Community No. 3("SSC3") at 415 W. 11th St. (the "Proposed Location.").

Second Empire, LLC has reviewed the concerns and legal argument set forth by Mr. Schlotfeldt in the *Written Testimony of Albert F. Schlotfeldt on Behalf of the Riverview Tower, LLC*. Second Empire, as a local property owner as well as the tenant, Stahancyk, Kent and Hook P.C which operates out of the Charles Brown House have many similar concerns which, despite discussions, remain unanswered.

We believe that this process has been rushed, public engagement is less than ideal, especially for a downtown project on private property.

1 We support the concept of the SafeStay community and it appears to be a promising tool
2 to assist those in need. Although the service may be needed, the proposed location for SSC3, if
3 not unlawful, is certainly ill advised. Are the property owners aware of potential liability that
4 they may be subjected to? Why has there not been any economic impact study for the placement
5 of this SSC3? The proposed location is antithetical to the efforts to renew and restore our historic
6 building and the downtown in total.

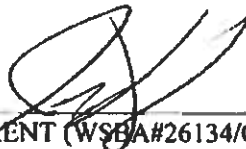
7 We respect the private property owners' desires, but insist that the required regulatory
8 processes for this temporary use are complied with fully. We understand though, that none of
9 this regulatory process has even begun, and that neither party, the property owner or the City are
10 bound by the initial agreement.

11 Given all available information, we would ask that the City suspend making any
12 decisions and direct staff to form a task force to actively pursue other candidate
13 properties. Additionally, we would ask that all operational and enforcement procedures and
14 regulatory processes be published and be a part of ultimate Council approval.

15 Additionally, before any decisions are made, we believe that the master plan for this area
16 that improves public safety, and minimizes crime be explained and published.

17
18 I declare under penalty of perjury under the laws of the state of Washington that the facts
19 I have provided on this form are true.

20 DATED: October 28, 2022.

21
22 
23 JOEL J. KENT (WSBA#26134/OSBA#963262)
Executed in Bend, Oregon

CITY OF VANCOUVER WASHINGTON

REGARDING:

**Stay Safe Community No. 3: 415 W. 11th St.,
Vancouver, Washington 98660**

Comment Period Closing October 28, 2022

WRITTEN TESTIMONY OF ALBERT F.
SCHLOTFELDT ON BEHALF OF THE
RIVERVIEW TOWER LLC.

I, Albert Schlotfeldt, submit the following testimony as legal counsel to and on behalf of Riverview Tower LLC.

Riverview Tower LLC owns the Riverview Bank building located at 900 Washington Street in downtown Vancouver and is situated one block from the proposed location for the Stay Safe Community No. 3 (“SSC3”) at 415 W. 11th St., Vancouver, Washington 98660, Tax Parcel No.’s 51320000, 51310000, 46670000, 46210000, 51330000 (the “Proposed Location”).

The Proposed Location may not lawfully be approved for the SSC3 as it fails to adhere to the requirements of Vancouver Municipal Code (“VMC”) 20.885, VMC 20.265 and VMC 8.22:

- The Proposed Location fails to meet the City of Vancouver (the “City”) selection criteria for stay safe communities.
- Viable alternatives exist to the Proposed Location given 45% of the City outside downtown meets stay safe community selection criteria.
- The economic vulnerability of the City’s downtown area is “high risk”, and

Council-approved placement guidelines must avoid such areas.

WRITTEN TESTIMONY OF ALBERT F. SCHLOTFELDT ON
BEHALF OF THE RIVERVIEW TOWER LLC. – 1

THE SCHLOTFELDT LAW FIRM, PLLC
900 Washington Street, Suite 1020
Vancouver, Washington 98660
(360) 699-1201

- The Proposed Location is likely within 200 feet of a designated sensitive ecological area.
- Both the majority of City residents who support stay safe communities and those who oppose them agree that communities must be established outside downtown:

Community Feedback on Supportive Campsites

- Feedback from multiple platforms
- Majority supportive
 - Significant desire for creation of low-barrier employment opportunities, healthcare services, and community building opportunities on-site
 - Several requests/suggestions for showers, restrooms, laundry
 - In favor of camp concept, but outside of town
- Not Supportive
 - Prefer enforcement
 - Taxpayers should not be responsible for
 - Will draw more homelessness in
 - In favor of camp concept, but outside of town



Supportive Campsites - 6

- Stay safe communities must be built where unsanctioned campsites currently exist, and no sizable campsites exist near the Proposed Location:

Supported Campsites: Location Selection

- Use City-owned properties and partner with churches and/or other willing private property owners
- As close to where camps already exist as possible
- Within a half-mile from transit access
- No more than one per neighborhood or within certain distance from each other
- Prohibit camping within certain radius of a supported campsite and sensitive areas
- Preference will always be for spaces that will provide the least amount of negative impact on environment, residential areas and businesses
- Commitment to community outreach, input and solution-focused participation in selection process



Vancouver Homelessness Plan - 17

- The Proposed Location is subject to a restrictive covenant that prohibits stay safe communities. (See Exhibit "A" attached herewith.)
- The Vancouver City Manager failed to provide notice to all owners and residents of record of property, as shown on the most recent property tax assessment roll, located within 1,200 feet of the proposed SSC3 location upon the City's receipt of the application for the SSC3 operator permit. (See VMC 8.22.070.B.2(a).)

Supportive Campsites are not intended to remain in any single location permanently. Therefore, Supportive Campsites must be located at administratively selected sites in accordance with Council-approved placement guidelines.¹

Jonathan Young, City Attorney, confirmed that areas of heightened economic vulnerability, such as downtown, are not proper locations for stay safe communities²:



THE SCHLOTFELDT LAW FIRM, PLLC
900 Washington Street, Suite 1020
Vancouver, Washington 98660
(360) 699-1201

1 to the City's site selection reductive maps⁴, while the Proposed Location fails to meet City
2 selection criteria, 45% of Vancouver does. Thus, nearly half of Vancouver is a better alternative
3 for the SSC3.

4 To the extent that a stay safe community *must* be located downtown - which is NOT the
5 case - there already exist viable alternatives on public rights-of-way that, unlike the Proposed
6 Location, are not in the heart of downtown just blocks away from Esther park and the Esther
7 park playground and the 8th St. Farmers Market, which all need to be kept safe for families.
8 Ensuring family wellbeing is not practical with "stay safe communities" due to their low-barrier
9 safety requirements that do not screen potential residents for felony crimes against a person, sex
10 crimes and felony property crimes.

11 What is more, some of these public rights-of-way already house unsanctioned campsites,
12 whereas the Proposed Location does not. Importing the homeless population from the outskirts
13 of downtown to its core plainly lacks common sense.

14 **2. Temporary Use Permit.**

15 Once Council-approved guidelines were established providing policy-level direction on
16 the appropriate locations of City-approved Supportive Campsites, City Staff were to initiate the
17 process of setting up a Supportive Campsite using one of two processes that already exist within
18 the Vancouver Municipal Code: (1) Right-of-way use permits issued under VMC 11.60.060 on
19 City-owned rights-of-way; or (2) Temporary Use Permits issued under VMC 20.885 when
20 Supportive Campsites are to be located outside of the public right-of-way.⁵

21 Here, the Proposed Location is outside of the public right-of-way. Hence, VMC 20.885
22 controls. VMC 20.885.050(D) addresses approval criteria for a temporary building in a
23 commercial zone, requiring, in part, that the use pose no hazard to pedestrians in the area.

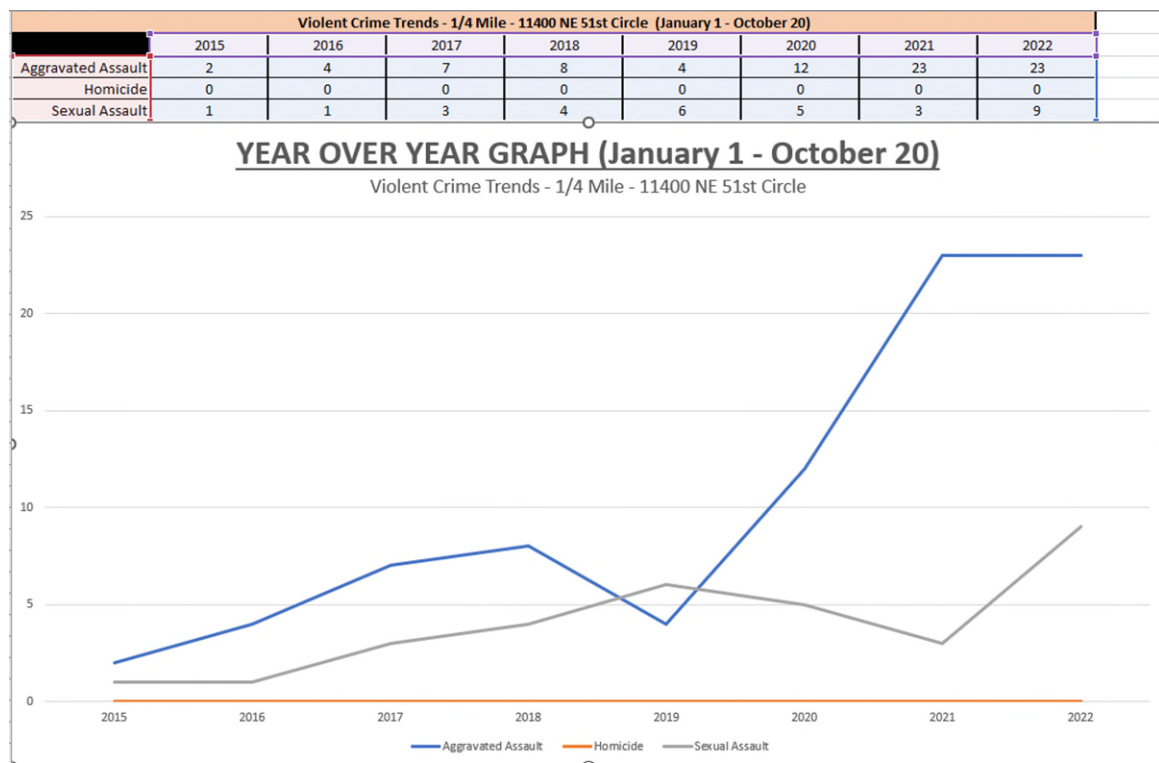
24 There is no reasonable question that SSC3 shall cause an increase in crime if allowed at
25 the Proposed Location, which in turn poses a hazard to pedestrians. The City's plan is just not
26

27 ⁴ <https://vancouvercity.novusagenda.com/agendapublic/AttachmentViewer.ashx?AttachmentID=6012&ItemID=2133>

28 ⁵ See Jonathan Young's (City Attorney) memo to Eric Holmes (City Manager) dated August 2, 2021 entitled
"Supportive Campsite Pilot program – Legal Considerations" at page 3.

right. Residents of the SSC3 are not required to be clean and sober but are not permitted to do illicit substances at the Proposed Location, so they will do drugs on the street. This will happen all the time. This is a sad fact.

What is more, since the opening of the 51st Circle - Stay Safe Community 1 - to present nine (9) sexual assaults occurred within a ¼ mile radius, which is three times more than the prior year and more than any other year dating back to 2015⁶:



The fact that the City does not intend perform criminal screening of residents is undoubtedly contributing to the rise in crime noted above.

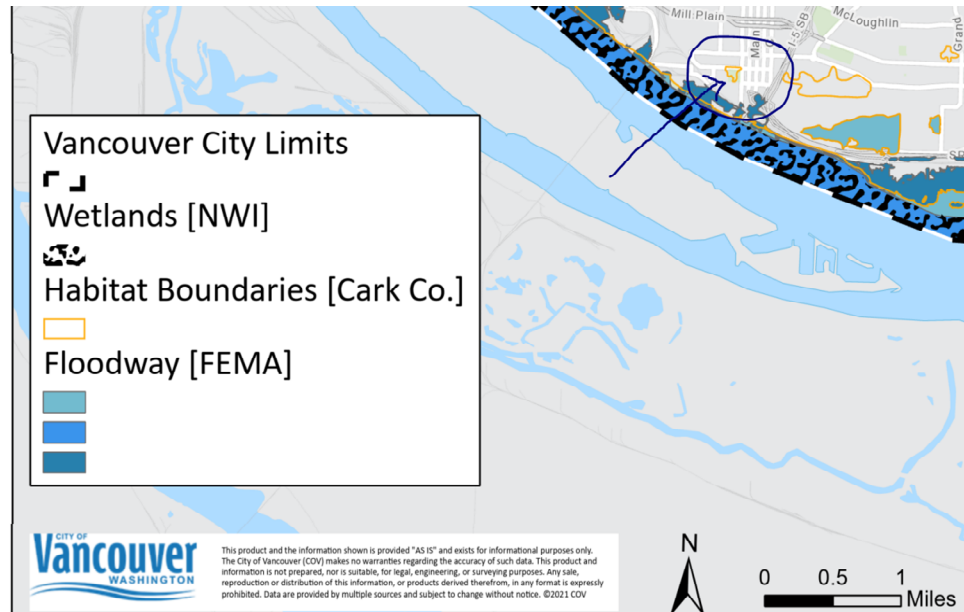
3. The Proposed Location is likely within 200 Feet of a Designated Sensitive Ecological Area; thus, it is not a Proper Site for SSC3.

Pursuant to the City Attorney, camping within 200 feet of designated sensitive ecological

⁶ Data is from Lexis Community Crime Map and the FBI Crime Data Explorer.
WRITTEN TESTIMONY OF ALBERT F. SCHLOTFELDT ON
BEHALF OF THE RIVERVIEW TOWER LLC. – 5

areas must be prohibited.⁷ This is consistent with the policy underpinnings of VMC 20.740 Critical Areas Protection as well as the City Council's 2021-2022 biennial budget policy directive to further our community's environmental resilience.

Here, the Proposed Location is likely within 200 Feet of a designated sensitive ecological area based on the City's Impact Areas map shown below, thus, the Proposed Location is not a proper site for SSC3:⁸



THE PROPOSED LOCATION FOR SSC3 FAILS TO MEET DESIGN REVIEW REQUIREMENTS FOR DOWNTOWN VANCOUVER – VMC 20.65.

Provisions of VMC 20.265 apply to projects located in the downtown area:

///

///

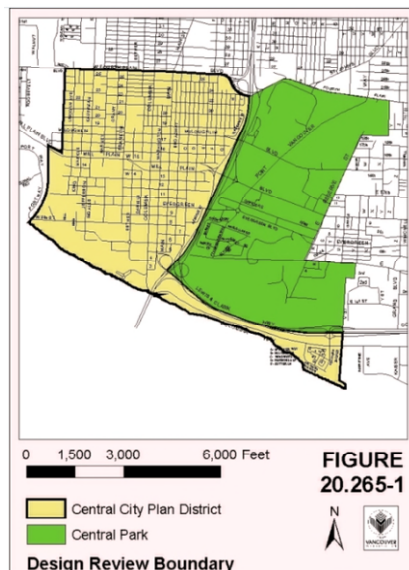
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⁷ See Jonathan Young's (City Attorney) memo to Eric Holmes (City Manager) dated August 2, 2021 entitled "Supportive Campsite Pilot program – Legal Considerations" at page 2 paragraph 2.

⁸ See September 13, 2021 City Council Meeting "Camping Impact Areas Map – Ordinance Option B: <https://vancouvercity.novusagenda.com/agendapublic/AttachmentViewer.ashx?AttachmentID=6011&ItemID=2133>



Specifically, VMC 20.265 applies to all projects that involve modification of a parking lot located within the area defined above and are subject to approval by the Planning Official. As the Proposed Location is within the downtown corridor and constitutes real property presently being used for vehicle parking, VMC 20.265 applies.

Pursuant to VMC 20.265.040, the Planning Official shall base all reviews on 1) the relationship found to exist between existing structures and open space, and between existing structures and other structures in the vicinity, and the expected effect of the proposed construction upon such relationships; 2) the impact of the proposed construction on adjacent uses; and 3) the protection of neighboring uses from identifiable adverse effects.

Here, the Proposed Location is in historic and commercial district which is antithetical to a stay safe community. For example, Herontide II, LLC is suing the City for injunctive relief, public and private nuisance, and intentional interference with business expectancy regarding the 51st Circle stay safe community. (See Exhibit "B" attached herewith.) Thus, the Proposed Location of SSC3 fails to meet the requirements of VMC 20.265.040 and may not be approved.

What is more, placing a Stay Safe Community in what is essentially the heart of Vancouver will seriously degrade residential areas and downtown businesses. This proposal puts this community two blocks away from Ester Short Park and near many restaurants, offices and other businesses that will be disrupted and or negatively impacted. The Stay Safe Community

1 will also increase the number of homeless in the downtown, which is simply too close to the
2 Farmers Market and Esther Short Park that are intended to be a safe environment for families
3 that visit these places. Esther park is just now rebuilding at over \$1million the playground that
4 was vandalized and 8th St. is already over-burden by the crowds that visit the Famers Market.

5 The placement of this community will affect the desirability of the area, impacting
6 residents, property, and business owners alike. The second Stay Safe Community was opened on
7 April 28, 2022, at 4915 E Fourth Plain Blvd. Running a quick search through a property sale site
8 such as Zillow shows that the value of homes in the area began to trend downwards beginning
9 May of 2022, immediately after the community opened.

10 CONCLUSION

11 For the above reasons, the Proposed Location may not lawfully be approved for the SSC3
12 as it fails to adhere to the requirements of Vancouver Municipal Code (“VMC”) 20.885, VMC
13 20.265 and VMC 8.22.

14 Instead of a true public-private partnership that utilizes highly valuable real property to
15 fund homeless resources (like permanent housing) while also keeping the downtown area safe
16 and thriving, here, the City proposes turning prime real estate into a campsite to relocate and
17 concentrate a homeless population there. This is unconscionable.

18 DATED: October 27, 2022

19
20 

21
22 ALBERT F. SCHLOTFELDT, WSBA #19153
23 Executed in Vancouver, Washington
24
25
26
27
28

EXHIBIT “A”

After Recording Return To:
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668



FIDELITY NATIONAL TITLE COMPANY OF WASHINGTON

01-04552mm

RECORDING COVERSHEET

DOCUMENT TITLE(S):

COVENANT RUNNING WITH THE LAND

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

1.

GRANTOR(S): (last name, first name and initial)

1. HASH; MARTIN

GRANTEE: (last name, first name and initial)

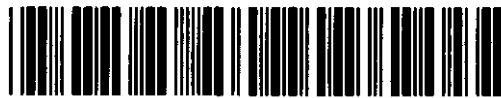
1. CITY OF VANCOUVER

LEGAL DESCRIPTION: (abbreviated; additional legal description is on page(s) _____ of this document)

Lots 3 and 4, Blk 5 Stiles Addn

ASSESSOR'S PROPERTY TAX PARCEL NUMBER(S):

051330-000; 046210-000



FIDELITY NATIONAL TITLE

COV

17.00 Clark County, WA

3270384

Page: 2 of 10

11/22/2000 03:55P

COVENANT RUNNING WITH THE LAND

This is a Covenant to City of Vancouver, Washington, a municipal corporation, hereinafter "City", from MARTIN HASH, purchasers of certain real property in Vancouver, Clark County, Washington, legally described in Exhibit "A" also known as the Columbia Arts Center, hereinafter known as the "Property", whereby MARTIN HASH covenants to City that the Property described herein will be used only in accordance with the terms and provisions of this Covenant and subject to the conditions described herein.

WHEREAS, the City is the owner and fee simple of the property described herein commonly known as the Columbia Arts Center; and

WHEREAS, the property has substantial and important historic, aesthetic, architectural, and cultural character and is potentially eligible for inclusion on a National Register of Historic Places by the United States Department of the Interior and the Clark County Historic Preservation Commission; and

WHEREAS, the City desires to preserve and maintain the historic, aesthetic, and cultural character of the property and to limit certain uses of the property consistent with its characteristics;

NOW THEREFORE, in recognition of the foregoing and in consideration of conveyance of the property by City to MARTIN HASH,

MARTIN HASH hereby covenants and agrees to City on behalf of themselves and all their heirs, assigns, successors and interests, into whose ownership the site may



pass as follows, it being specifically agreed and covenanted that this is a Covenant which touches, concerns, enhances, benefits and runs with the land herein described and which is intended to preserve the aesthetic, architectural and cultural values of the property in perpetuity. The terms and conditions of the Covenant are as follows:

1. Restrictions on alteration and use. Without the express written permission of the City, its successors or assigns, signed by a duly authorized representative thereof, no construction, alteration or remodeling or any other thing shall be undertaken or permitted to be undertaken which would affect either the exterior surfaces or increase the height or alter the exterior façade (including without limitation exterior walls and roofs) or the appearance of the Property as depicted in the photographs attached hereto and incorporated by this reference herein as Exhibit "B" or which would adversely affect the structural soundness of the Property; Provided, however, that the reconstruction, repair, repainting or refinishing of presently existing parts or elements of the Property, damage to which has resulted from casualty loss, deterioration, or wear and tear, shall be permitted without the prior approval of the City, provided that such reconstruction, repair, repainting or refinishing is performed in a manner which will not alter the exterior appearance of the Property as it is as of this date. Exterior changes which require the consent of City shall include, but not be limited to, any substantial structural change or any change in design, color or materials. Replacement of exterior signage shall require the consent of City, but such consent will not be withheld if the proposed signage conforms to VMC Title 20 and conforms to the Downtown Design Guidelines and is consistent with the character of the facade.



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17.00 Clark County, WA

The Property may be used for any lawful purpose consistent with the provisions and requirements of the City of Vancouver Zoning Code as amended; Provided, that

MARTIN HASH, its heirs, assigns and/or successors are prohibited from using the Property for any adult entertainment business as that term is defined in the Vancouver Municipal Code.

2. Demolishing the Property. The Property shall not be demolished or partially demolished without the prior written consent of City.

3. Maintenance. MARTIN HASH agrees at all times to maintain the Property and the exterior appearance of the Property (including without limitation the exterior walls and roofs of the Property) in a good and sound state of repair so that no more than minimal deterioration in its present exterior appearance, as depicted in Exhibit "B", shall take place, subject to the casualty provisions set forth in Paragraph 7 herein.

4. Right to Alter the Interior of the Property. It is understood and agreed between the parties that MARTIN HASH may alter the interior of the Property. Nothing in this Agreement shall be deemed to restrict MARTIN HASH's right to make such alterations or modifications as long as such alterations or modifications do not substantially alter the exterior appearance of those areas protected by this Preservation Covenant, as listed in Paragraph 1 herein.

5. Maintenance and Repair of the Property. MARTIN HASH and/or assigns shall be responsible for maintenance, repair, repainting, and refinishing of the Property as necessary to comply with paragraph 3 herein, MARTIN HASH shall



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17.00 Clark County, WA

provide maintenance, repair, repainting, and refinishing of the Property because of wear and tear.

6. Waste. The Grantor agrees not to commit or permit waste (i.e., abuse, unreasonable or improper use or deterioration of the Property.

7. Extinguishment. In the event the Property is destroyed or damaged by fire or other casualty to an extent that the repair or reconstruction of the existing improvements or the façade and exterior surfaces subject to this Covenant is rendered impracticable, in City's reasonable judgment, or in the event a subsequent unexpected change in the conditions surrounding the Property renders it impossible or impractical to continue to use the Property for the purpose of preserving the historic, aesthetic, architectural and cultural value of the Property, the restrictions set forth herein may be extinguished by a judicial proceeding.

8. Inspection. MARTIN HASH hereby agrees that representatives of City, its successors or assigns shall be permitted at all reasonable times to inspect the property. Inspections will normally take place from the street; however, MARTIN HASH agrees that representatives of City, its successors or assigns shall be permitted to enter and inspect the interior of the improvements to the Property to insure maintenance of structural soundness; inspection of the interior will not, in the absence of evidence of deterioration, take place more often than annually. Inspection of the interior will be made at a time mutually agreed upon by MARTIN HASH and City, its successors or assigns, and MARTIN HASH agrees to not withhold consent unreasonably in determining a date and time for such inspection. Other inspections required or permitted by law are in not way limited hereby.



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17.00 Clark County, WA

9. Consent, Disapproval, and Appeal. Where the terms of this Agreement require the consent of City, such consent shall be requested by written notice, as provided in Paragraph 12 herein, to City and consent shall be deemed to have been given within thirty (30) days after mailing of the notice by MARTIN HASH or its successors or assigns unless City gives written notice to MARTIN HASH specifying reasons for disapproval.

10. Nature and Duration. The covenants expressed herein shall be deemed to run with the Property in perpetuity and be binding upon MARTIN HASH and the MARTIN HASH's successors and assigns for the benefit of the City.

11. Assignments, Successors, and Assigns. Except as provided in Paragraph 7 herein:

MARTIN HASH agrees that this Covenant will be inserted by it in any subsequent deed or in any legal instrument by which it divests itself of either the fee simple title to or its possessory interest in the Property or any part thereof.

12. Notice. Any notice required hereunder shall be in writing and shall be given by certified or registered mail, with postage prepaid and return receipt requested, addressed to MARTIN HASH, as follows:

MARTIN HASH

2800 E. EVERGREEN

VANCOUVER, WA 98661

Or addressed to the City, as follows:

City Attorney
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668



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11/22/2000 03:55P
Clark County, WA

13. Construction. This Agreement shall be construed to promote the preservation of the historic, cultural, architectural, and aesthetic character of the Property and to conserve its natural, scenic, and open condition for both this generation and future generations, while maintaining the usefulness of the Property to MARTIN HASH or its successors or assigns.

14. Governing Law. The terms of this Agreement shall be construed in accordance with the laws of the state of Washington.

15. Entire Agreement. This constitutes the entire agreement between the parties.

16. Nonwaiver of Breach Clause. The failure of the City to at anytime enforce any provision of this Agreement shall not be deemed a waiver of its right to later enforce that or any other provision of this Agreement.

17. Legal Remedies. This Covenant may be enforced by the City in any or all of the following ways:

1. By bringing this suit in any court of competent jurisdiction for monetary damages to cover the expected costs of the City's performance of any and all obligations covenanted herein and _____ to be performed by MARTIN HASH.

2. For injunction to cause specific performance of this Covenant or for any appropriate relief as may be deemed desirable by the City.

3. Such other relief in law and equity as the City deems necessary to enforce the terms of this Covenant.



3270384

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11/22/2000 03:55P

17.00 Clark County, WA

With regard to any of the aforementioned remedies, MARTIN HASH

agrees to be responsible for any and all attorney's fees and costs expended by the City and enforcing any of these provisions.

18. Filing. A copy of this Covenant will be filed with the Clark County Auditor so that it will appear as a Covenant within the chain of title for the real property described herein.

19. Severability. In the event that any provision of this Covenant is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not affect any other provision, and the other provisions hereof shall continue in full force and effect.

DATED this 22 day of NOVEMBER, ~~1999~~ 2000.

GRANTOR:

Martin Hash

MARTIN HASH

By _____

Its: _____

GRANTEE:

CITY OF VANCOUVER, WASHINGTON

APPROVED AS TO FORM:

Ted H. Gathe Brent Boyer
City Attorney Asst. City Atty



STATE OF WASHINGTON

SS

COUNTY OF CLARK

On this 22nd day of November, 2000 personally appeared before me MARTIN HASH to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged to me that (he/she/they) signed the same as (his/hers/their) free and voluntary act and deed for the purposes therein mentioned.

Melissa A Miller

Notary Public in and for the State of Washington,

Residing at Battle Ground

My Commission Expires: 1/29/2003

MELISSA A. MILLER
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
JANUARY 29, 2003

THE ABOVE SPACE RESERVED FOR NOTARY SEAL

- Acknowledgement - Ordinary



Fidelity National Title Company of Washington

EXHIBIT "A"

PARCEL I:

BEGINNING at the Southeast corner of Fractional Block 5, STILES ADDITION TO THE CITY OF VANCOUVER, according to the plat thereof, recorded in Volume "G" of Plats, Page 609, records of Clark County, Washington; thence East 100 feet; thence North 100 feet; thence West 100 feet; thence South 100 feet to the point of beginning.

ALSO BEGINNING at a point 95 feet South of the intersection of the West line of Park Street with the South line of 11th Street in the City of Vancouver, said County and State; thence West 100 feet; thence South 5 feet; thence East 100 feet; thence North 5 feet to the point of beginning.

PARCEL II:

Lots 3 and 4, Block 5, STILES ADDITION TO THE CITY OF VANCOUVER, according to the plat thereof, recorded in Volume "G" of Plats, Page 609, records of Clark County, Washington.

EXHIBIT “B”

E-FILED

10-17-2022, 08:10

Scott G. Weber, Clerk
Clark County

23

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF CLARK

HERONTIDE II, LLC

Plaintiff,

vs.

CITY OF VANCOUVER, a Washington
municipality,

Defendant.

No. 22-2-02593-06
[Clerk's Action Required]

COMPLAINT

Plaintiff Herontide II, LLC, ("Herontide II") alleges as follows:

INTRODUCTION

1. This matter concerns access to real property owned by Herontide II. Herontide II is ready to but cannot build apartments on the Property because the City of Vancouver ("City") has blocked and refuses to unblock Herontide II's ingress and egress access.

2. NE 51st Circle is a public right-of-way in Vancouver, Washington. It provides the only public street access to the Herontide II property.

3. In December 2021, the City granted itself an indefinite Right of Way Use and Occupation Permit to exclusively use NE 51st Circle for "Safe Stay" temporary housing for the homeless.

4. Herontide II supports the City's efforts to improve access to housing and the Safe Stay community. In fact, Herontide II has repeatedly offered to partner with the City and

COMPLAINT - 1

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
Pacwest Center
1211 SW Fifth Ave Ste 1900
Portland, OR 97204
Telephone 503.222.9981 Fax 503.798.2900

1 Vancouver Housing Authority to create low-income or homeless housing projects on
2 Herontide II's Property. The Vancouver Housing Authority declined Herontide II's offer and
3 the City has not responded.

4 5. Since at least December 2021, the City has refused to allow Herontide II to use
5 NE 51st Circle.

6 6. To avoid conflict and avoid bothering the Safe Stay community, Herontide II
7 asked to drive across City land, *around* the Safe Stay community (the "bypass" route) – the
8 same route the City was using to work on Burnt Bridge Creek and stormwater maintenance.

9 7. The City said it might agree, but only if Herontide II satisfied several conditions
10 that were not required by law and were not required for City construction vehicles driving in
11 the same location.

12 8. Given these facts, Herontide II has no choice but to seek legal and equitable
13 relief from this Court.

14 **PARTIES AND JURISDICTION**

15 9. Herontide II is a Washington limited liability company licensed to do business
16 in the State of Washington.

17 10. Defendant City is and was at all material times a municipal corporation of the
18 State of Washington.

19 **VENUE AND JURISDICTION**

20 11. This action affects title to real property in Clark County, Washington. This
21 court has jurisdiction over the parties and the subject matter of this dispute pursuant to RCW
22 2.08.010.

23 12. Venue is proper under RCW 4.12.010 and 4.12.025 because the causes of action
24 arise in Clark County, and the real property at issue is situated in Clark County.

25 13. Plaintiff has exhausted all administrative remedies and has complied with RCW
26 4.96.020 as to tort claim filing requirements.

COMPLAINT - 2

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
Pacwest Center
1211 SW Fifth Ave Ste 1900
Portland, OR 97204
Telephone 503.222.9981 Fax 503.798.2900

FACTS

14. Herontide II owns real property located at 5264 NE 121st Avenue, in Vancouver, Washington, also known as tax parcel number 158354000 (the “East Parcel”).

15. Herontide II owns real property in Vancouver, Washington known as tax parcel number 157532000 (the “West Parcel”).

16. The East and West Parcels are collectively referred to herein as the “Herontide II Property.”

17. The City owns real property due south of NE 51st Circle, located at 11400 NE 51st Circle, Vancouver, Washington, also known as tax parcel number 162702009, and the land immediately adjacent to its south, known as tax parcel number 162702020. These properties are collectively referred to herein as the “City’s Land.”

18. A copy of a map, showing the relative locations of the Herontide II Property, the City Land, and NE 51st Circle is attached as Exhibit A.

Herontide II’s Construction Permit Applications

19. On or about February 2020, Herontide II notified the City that it wanted to develop the Herontide II Property.

20. The City-approved building plans show construction access to the Herontide II Property would be through NE 51st Circle.

The City’s Use Permit

21. On December 9, 2021, the City granted itself a Type D Long Term Right of Way Use and Occupation Permit (the “Use Permit”) for the exclusive use of a portion of public right-of-way immediately north of the City’s Land and west of Herontide II’s Property, known as NE 51st Circle. A true and correct copy of the Use Permit is attached as Exhibit B.

22. The Use Permit grants the City exclusive use of approximately 350 feet at the east, cul-de-sac end of NE 51st Circle (the “Permit Area”). Exhibit B at 2,6.

23. The Herontide II Property is located adjacent to the east, cul-de-sac end of NE

1 51st Circle. *See* Exhibit A.

2 24. The City closed the Permit Area for all other public use, completely blocking
3 all public street and ingress/egress access to the Herontide II Property, indefinitely.

4 25. The City contracted with the nonprofit, Outsiders Inn, to create the "Safe Stay"
5 Community directly in the right-of-way.

6 26. Due to the City's actions, Herontide II has been and continues to be prohibited
7 from accessing the Herontide II Property from the only public roadway servicing its property.

8 27. The City did not provide sufficient notice or due process to Herontide II or the
9 public regarding its application for the Use Permit and/or the proposed use of the Permit Area.

10 28. The City did not allow anyone other than itself to appeal the Use Permit.

11 29. Right-of-way use permits must conform to VMC Chapter 11 and applicable
12 City Code and regulations. The proposed right-of-way use may not unduly interfere with the
13 rights and safety of the public.

14 30. Under VMC 11.60.120(B)(1), the proposed use of a right-of way must not:

- 15 a. impede reasonable ingress and egress to abutting properties, or
- 16 b. create the imminent possibility of conduct likely to endanger public
17 safety or to result in significant property damage, or
- 18 c. have a significant adverse impact upon residential or business access
19 and traffic circulation in the area governed by the permit.

20 31. Under VMC 11.60.090(E)(6), applications for a right-of-way use permit must
21 include a traffic control plan if the use will affect vehicle or pedestrian traffic.

22 32. Under VMC 11.60.060(B)(4)(b), long term right-of-way use permits may not
23 be issued for any permanent structure in the right-of-way.

24 33. The City violated relevant regulations of City Code, including VMC 11.60.120,
25 11.60.090, 11.60.060, when granting the Use Permit.

26 34. The City exceeded its authority when granting the Use Permit.

COMPLAINT - 4

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
Pacwest Center
1211 SW Fifth Ave Ste 1900
Portland, OR 97204
Telephone 503.222.9981 Fax 503.798.2900

35. On or about October 13, 2022, Herontide II submitted a code enforcement complaint to the City regarding these Code violations.

The City Refused to Remedy Its Errors

36. After Herontide II obtained stormwater and civil permits for the housing development on its property, Herontide II asked the City to restore its access to NE 51st Circle.

37. The City declined, stating that traffic through the right-of-way would disturb the tenants of the Safe Stay Community it had created in the middle of the public street.

38. The City refused to revoke or even amend the Use Permit.

39. As an alternative, Herontide II asked to drive across City Land adjacent to NE 51st Circle along the bypass route to access the Herontide II Property. The City declined this request, stating that the use of the unpaved roads by construction vehicles would disturb the twenty tenants of the Safe Stay Community and may result in negative environmental impacts.

40. Beginning in July 2022, the City began driving large construction vehicles along the bypass route.

41. On August 11, 2022, Herontide II notified the City that it intended to file tort claims against the City for its actions described in this Complaint.

42. Also on August 11, 2022, Herontide II again asked to use the bypass route to access its property, in light of the City's use of the same route for a similar purpose.

43. In September 2022, the City said it would agree to allow Herontide II to use the bypass route, but only under numerous, conditions – conditions the City had not imposed on itself or its construction vehicles.

CAUSES OF ACTION

I. Declaratory and Injunctive Relief

44. Herontide II re-alleges the allegations stated above.

45. The City's exclusive use of the Permit Area unduly interferes with Herontide II's access to the Herontide II Property, in violation of applicable law.

46. The City's grant of the Use Permit failed to comply with procedural and substantive requirements, including but not limited to VMC 11.60.120, 11.60.090, and 11.60.060.

47. The City failed to provide Herontide II and the public sufficient due process related to the issuance and appeal of the Use Permit.

48. Herontide II seeks an order declaring the Use Permit void *ab initio* pursuant to RCW chapter 7.24 and a mandatory injunction pursuant to RCW chapter 7.40 directing the City to permit Herontide II access to the Herontide II Property through the public right-of-way known as NE 51st Circle.

II. Private Condemnation for Way of Necessity, RCW 8.24.010

49. Herontide II re-alleges the allegations stated above.

50. The City's actions have purposefully and intentionally landlocked Herontide II's property.

51. Given the facts above and to be proven at trial, it is necessary for the proper use and enjoyment of the Herontide II Property that Herontide II be granted a private way of necessity.

52. Herontide II requests an order of private condemnation across NE 51st Circle on the City Land, sufficient in area for the construction and maintenance of such private way of necessity.

53. If the Court concludes the private way of necessity should be on City Land, the City should be responsible for any costs associated with providing and permitting such a route, because those costs would not have been necessary but for the City's actions described herein.

III. Inverse Condemnation

54. Herontide II re-alleges the allegations stated above.

55. Herontide II has a right and interest to enforce its property rights as the owner of the Herontide II Property.

1 56. The City has engaged in a taking and/or damaging of Herontide II's private
2 property.

3 57. The taking and/or damaging of Herontide II's private property, even if only
4 temporary, occurred without the payment of just compensation to Herontide II.

5 58. The taking and/or damaging of Herontide II's private property without just
6 compensation, temporarily or otherwise, constitutes a violation of Article I, Section 16 of the
7 Constitution of the State of Washington and the Fifth Amendment to the Constitution of the
8 United States of America.

9 59. Herontide II is entitled to just compensation for the temporary taking and/or
10 damaging of Herontide II Property from the date of the issuance of the permit to the date the
11 Use Permit is revoked and its access to NE 51st Circle is restored.

12 60. In the alternative, if the Use Permit is not revoked, Herontide II is entitled to
13 just compensation for the value of the Herontide II Property as a result of the City's permanent
14 taking.

15 61. Herontide II is entitled to interest, costs, and fees pursuant to RCW chapter 8.25
16 in an amount to be determined at trial.

17 **IV. Public Nuisance**

18 62. Herontide II re-alleges the allegations stated above.

19 63. The City's actions and omissions have obstructed a public street, constituting a
20 public nuisance pursuant to RCW 7.48.140.

21 64. The nuisance is continuing.

22 65. Herontide II has been specially damaged because the City's actions cut off the
23 only public street access to Herontide II's property.

24 66. Herontide II is entitled to an award of damages and a warrant of abatement or
25 injunction to prevent the continuing nuisance.

V. Private Nuisance

67. Herontide II re-alleges the allegations stated above.

68. The City's actions and omissions have unreasonably interfered with Herontide II's comfortable use and enjoyment of its private property by obstructing ingress to and egress from the Herontide II Property.

69. The City's actions constitute a nuisance pursuant to RCW 7.48.010 and that nuisance is continuing.

70. Herontide II has incurred money damages as a result of the City's interference with the use and enjoyment of the Herontide II Property, in an amount to be proven at trial.

71. Herontide II is entitled to an award of compensation, and a warrant of abatement or injunction to prevent the continuing nuisance.

VI. Intentional Interference with Business Expectancy

72. Herontide II re-alleges the allegations stated above.

73. Herontide II had a valid business expectancy in its right to exercise all the benefits of real property ownership, including development, access, and use rights.

74. Herontide II had a valid business expectancy that if it complied with applicable codes, it would timely receive approval from the City to develop its Property

75. Herontide II had a valid business expectancy with its investors, contractors and subcontractors, to build apartments on the Herontide II Property.

76. Herontide II had a valid business expectancy in its right to of access to NE 51st Circle as a public right of way and as approved by the City in the approved building permit(s) for the Herontide II Property.

77. The City knew Herontide II wanted, and still wants, to develop its Property and is intentionally interfering with that right, and those business expectancies, through its actions described above.

78. The City acted for the improper purpose of enforcing its invalid Use Permit

1 and denying Herontide II its lawful real property rights.

2 79. The City acted through improper means by approving the Use Permit contrary
3 to controlling law and refusing to modify or terminate the Use Permit when it became aware
4 of the harm it was causing Herontide II.

5 80. As a result of the City's actions, Herontide II incurred actual damages in an
6 amount to be proven at trial.

7 WHEREFORE, plaintiff Herontide II prays for judgment as follows:

- 8 1. For an order granting declaratory relief and an injunction in favor of Herontide
9 II quieting title to Herontide II's access rights to NE 51st Circle, enjoining the
10 City from interfering with those rights; an award of damages; and an award of
11 costs and attorneys' fees;
- 12 2. For an award of damages incurred to be incurred by the City's temporary or
13 permanent taking of private property without compensation, and costs in an
14 amount to be determined by the court;
- 15 3. For a judgment awarding a private way of necessity across NE 51st Circle or
16 the City Land;
- 17 4. For an award of damages incurred or to be incurred by Herontide II as a
18 consequence of the City's conduct, in an amount to be determined by the
19 Court; and a warrant of abatement to prevent the continuing nuisance;
- 20 5. For such other and further relief as the Court deems appropriate.

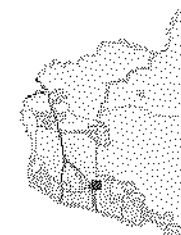
21 Dated this 14th day of October, 2022.

22 SCHWABE, WILLIAMSON & WYATT, P.C.

23
24 By: s/ Maren Calvert
25 Maren Calvert, WSBA #53940
26 Email: mcalvert@schwabe.com
Attorney for Plaintiff



Tax Lot 157532000



Legend

- Taxlots
- All Roads
 - Interstate
 - State Route
 - Arterial
 - Forest Arterial
 - Minor Collector
 - Forest Collector
 - Private or Other

Notes:

752.3 0 376.17 752.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
Clark County, WA. GIS - <http://gis.clark.wa.gov>

This map was generated by Clark County's "MapsOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.

**Type D Long Term Right of Way Use and Occupation Permit
Pursuant to VMC 11.60.060.B.4**

RECITALS

The following recitals set forth the agreed-upon underlying facts upon which this Permit is based.

A. Description of Permit. This is a Type D Long Term Right of Way Use and Occupation Permit issued to the City Manager's Office of the City of Vancouver, hereinafter referred to as Permittee, and issued by the City of Vancouver, a Washington municipal corporation that is a charter city of the first class, hereinafter referred to as the City, pursuant to Vancouver Municipal Code (VMC) 11.60.060.B.4 and 11.60.110.E, by which said Permittee may utilize certain improved dedicated public rights of way within the area operated by Permittee as a part of the Permittee's "NE 51st Circle Safe Stay Community" project, hereinafter referred to as the Project.

B. Description of Property Subject to Permit. The property subject to the Permit is a portion of under-improved public right of way associated with NE 51st Circle adjacent to the Project. The Project site is located at 11400 NE 51st Circle, in the NW ¼ of Sec. 15, T2N, R2E, Willamette Meridian, more specifically described as:

- Public right-of-way adjacent to County Tax Parcel No. 162702009, legally described and/or depicted on Exhibit A, attached hereto and incorporated herein by this reference.

C. Description of Permittee. The Permittee is the Executive Office of a Washington municipal corporation that is a charter city of the first class. Kerry Peck is hereby designated by the Permittee as contact for all communications regarding this Permit. Permittee shall provide the City with written notice within fourteen (14) days of any change in its designated contact.

Notices shall be mailed to:

City of Vancouver - Office of the City Manager
PO Box 1995
Vancouver, WA 98668
Attn: Kerry Peck, Senior Admin. Assistant
Email: kerry.peck@cityofvancouver.us

D. Final Decision. This Type D Long Term Right of Way Use and Occupation Permit is subject to the approval criteria contained in Vancouver Municipal Code (VMC) 11.60.120. Based upon review of the application materials, the criteria for approval have been satisfactorily met or shall be met as conditioned. This permit request is therefore **approved with conditions**, as described below. This Permit shall become effective as of the date of the last signature hereto below. A 14-day appeal period begins on the effective date. Pursuant to VMC 11.60.190, only the applicant and the city are entitled to an appeal.

PERMIT

The City hereby issues this Type D Long Term Right of Way Use and Occupation Permit to Permittee pursuant to Vancouver Municipal Code (VMC) 11.60.060.B.4 and 11.60.110.E. This Permit authorizes Permittee to utilize certain improved dedicated public rights of way for improvements described on and in locations as provided for in Exhibit B, (the "Encroachments") subject to the following terms and conditions:

1. As shown on Exhibit B, attached hereto and incorporated herein by this reference, the Permittee plans to construct a "safe stay community" with 20 pallet-style structures to serve as shelters and 1 pallet-style structure to serve as an office. The community intends to provide temporary shelter for up to 40 unsheltered citizens. In addition to the shelter structures, the area will include porta-potties, handwashing facilities, a storage shed, fencing, electricity, and water and sewer facilities. Eventually, the porta-potties and handwashing facilities will be replaced with restrooms. The area encompassing these facilities will consist of the under-improved right-of-way for NE 51st Circle, starting from the existing concrete barricades located approximately 350-feet east of 112th Avenue and extending approximately 350-feet further eastward from there.
2. The Permittee is responsible for all design, permitting and construction of the Encroachments. The Permittee assumes total liability and responsibility for maintenance of the Encroachments, and all appurtenances thereof.
3. The City will be responsible for the maintenance of the City-owned utilities installed within the street rights of way. Non-city owned utilities will be the responsibility of the utility owner. To verify the physical location(s) of City owned and non-City owned utilities, contact the Utility Notification Center 1-800-424-5555.
4. Pursuant to this Permit, Permittee has exclusive use of the dedicated right of way subject to the Permit for uses as described and identified on Exhibit B; however, no construction of any Improvements other than other those identified shall be permitted within the Permit area.
5. As a condition of utilizing the right of way as set forth in this Permit, the Permittee is responsible to obtain approval for a Supportive Campsite under VMC 8.22.070. This Permit will expire upon expiration of the permit or approval issued under VMC 8.22.070.
6. The Permittee is a City department. The City maintains insurance sufficient to satisfy the requirements of VMC 11.60.170. It is agreed that no vested or prescriptive rights shall accrue in the Permittee or in their heirs, successors and assigns by virtue of this Permit. This permit shall be in effect until the City and the Permittee mutually agree to terminate, except in accordance with VMC 11.60.150, if the City requires the use of the improved rights of way covered in the Permit for utility or street purposes. In that case, the City will provide

the Permittee twelve month advance written notice. This advance notice requirement shall be waived in the case of emergency, as determined in the sole discretion of the City.

7. This Permit is binding upon the parties. This Permit will be recorded with the real property recordings in Clark County. The exhibits attached to this Permit will be recorded and the Permit as recorded will constitute a memorandum of the complete agreement including the exhibits. The City Custodian of the Records will keep an original of the agreement with all exhibits. The Permittee acknowledges that this permit shall be, at city expense, filed by the city in the real estate records of the Auditor of Clark County.
8. This Permit may be assigned by Permittee to any subsequent owner or management company of the Project upon proof of that entity's compliance with the following insurance provisions. Pursuant to VMC 11.60.170, the Assignee shall provide the City with satisfactory evidence in writing that the Assignee has in force and will maintain in force throughout the duration of the permitted use, commercial general liability insurance satisfactory in form and substance to the City, duly issued by an insurance company authorized to do business in Washington. The policy shall name the City of Vancouver as an additional insured, and apply as primary insurance, regardless of any insurance the City may carry. Also, the policy must include:
 - a. A "cross-liability" (severability of interest) clause; and
 - b. A provision that the City be notified not less than 30 days prior to cancellation of the policy, except in the case of non-payment, when less than 10 days prior notice is required; and
 - c. All policies shall be written on an occurrence form, with the exception of any cyber liability/errors and omissions policy(ies); and
 - d. shall maintain a policy of commercial general liability insurance with the following minimum limits:
 - i. Each occurrence, \$1,000,000.
 - ii. General aggregate, \$1,000,000.
 - iii. Products and completed operations aggregate, \$2,000,000.
 - iv. Personal and advertising injury, each offense, \$1,000,000.
 - v. Excess or umbrella liability coverage at limits of \$5,000,000 per occurrence and annual aggregate.

Permittee shall request assignment in writing not less than 120 days prior to the requested assignment date. As a condition of assignment, the Assignee shall obtain a Supportive Campsite permit under VMC 8.22.070 and agree to defend, indemnify, and hold harmless the City, its officers, employees and agents, for any and all suits, claims, or liabilities caused by, or arising out of, any use authorized by any such permit.

9. The following comments from the City of Vancouver Fire Marshall's Office shall be established as additional conditions of approval under this permit:

- **Property Owner** - City of Vancouver – Right-of-Way
- **Address** – 11400 NE 51st Circle – General site address signage required and individual pods shall be addressed numerically – all signage shall be clearly visible minimum of 4 inches in-height with contrasting colored numbers/letters to background.
- **Staffing 24/7** – Full time staffing, provide weekly inspections of individual pods by Stay Safe Site Manager (Pods remain free of fire hazards/hoarding)
- **Living Area Lighting** – Proposed street lighting package – three (3) street lamps
- **Pod Placement Configuration** – Ten (10) feet separation between pods
- **Emergency Access** – Pavement, emergency gate access shall be a minimum of 20 feet wide to accommodate emergency vehicles, (required Knox entry on two (2) vehicle entry/exit points), a minimum of a 20 foot clear drive through access inside the camp (turn-around – cul-de-sac). Emergency vehicle drive through route shall remain free of storage/debris. Procedurally, the on-site 24/7 management staff person shall open the front gate for emergency vehicles in the event of a emergency prior to arrival.
- **Water Supply** – Hydrant located ~75 feet from proposed pod area
- **Fire and Life Safety Protection Equipment** – Pod equipped with code compliant smoke/CO alarm, pod equipped with front door and with emergency escape kick-out panel
- **Ignition Sources Prohibited** - Signage required inside pods – “No Smoking” – “No Open Flame Usage”
- **Approved Smoking Receptacles Required** – Within the exterior camp/community area, shall provide approved non-combustible containers (ash trays) for residents to extinguish/discard smoking materials. (**if smoking is allowed*)
- **Cooking Prohibited** – Cooking within the pods is prohibited – *Future plan to address communal cooking (shall discuss at a later time with Fire Marshal's Office prior to operationalizing)*
- **Pod Heat** – Pod provided with electric all mount heating unit, use of heating appliance; shall remain clear of combustible storage (signage required – “Per Fire Marshal – Maintain 3 Foot Clearance of Combustibles”)
- **Recreational Fires** – All fires are prohibited.
- **Site Fencing** - Verify area of refuge is adequate per Building Plans Examiner
- **City/Building & Fire Permitting** – Separate permits shall be required and obtained for installation of electrical utilities and acceptance testing of the smoke/CO alarms, verify area of refuge is adequate.

List of Exhibits:

Exhibit A – Property Subject to Permit

Exhibit B – Illustration of the Encroachments

Exhibit C – Critical Areas Statement of Exemption (Staff Report w/Exhibits)

Page 5 of 5

Dated this 9th day of December, 2021

By: Ryan Lopossa, P.E.
 Streets & Transportation Manager
 City of Vancouver Public Works

[illegible]

I hereby certify that I know or have satisfactory evidence that

Ryan Lopossa
(Print Name)

signed this instrument, on oath stated that (she/he) is authorized to execute the instrument as a

Streets & Transportation Manager of City of Vancouver
(Position/Title) (Name of Corporation)

and acknowledge it to be (her/his) free and voluntary act of such party for uses and purposes mentioned in the instrument.

DATED: December 9, 2021.

NOTARY PUBLIC for the State of Washington,
Residing in the County of Clark
My Commission Expires: Aug 8, 2023

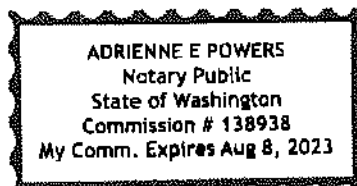


EXHIBIT A

11400 NE 51st Circle

Property subject to the Permit is improved public right of way associated with NE 51st Circle, located in the NW ¼ of Sec. 15, T2N, R2E, Willamette Meridian. The Project site is located at 11400 NE 51st Circle (parcel 162702009).

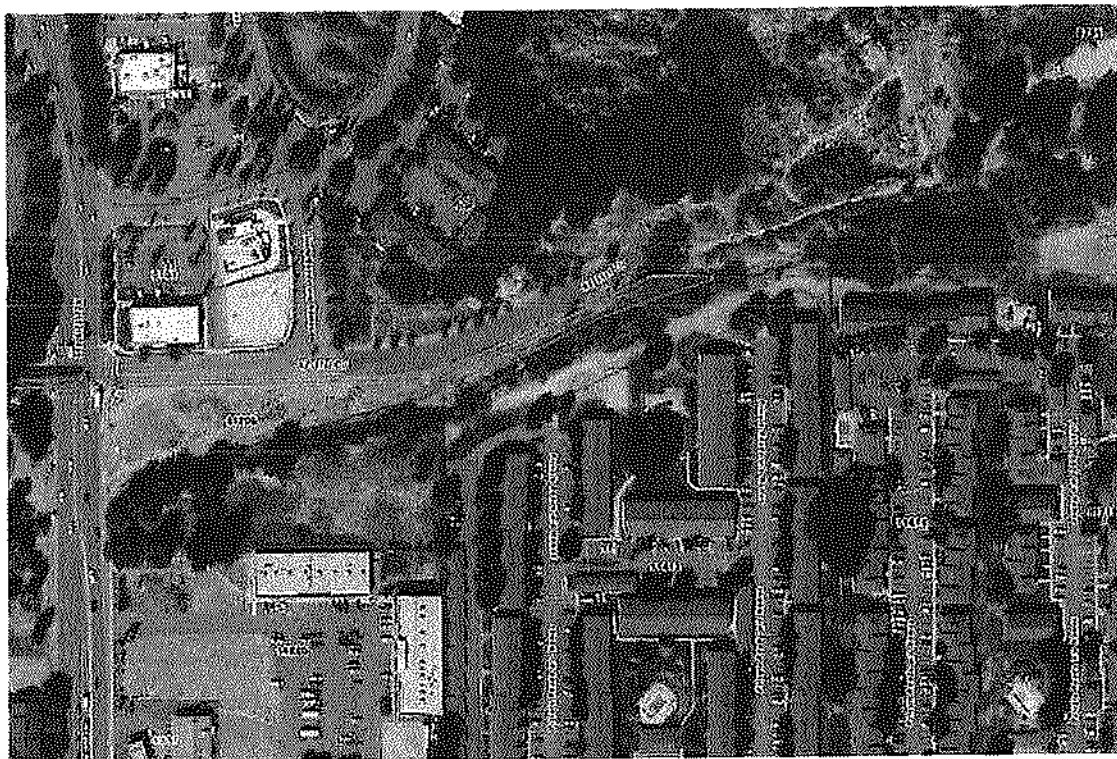




Exhibit B
Illustration of the Encroachment

Exhibit C



City of Vancouver • P.O. Box 1995 • Vancouver, WA 98668-1995

www.cityofvancouver.us

**Critical Areas Statement of Exemption
Safe Stay Community
PRJ-167730/LUP-81993**

Date: December 1, 2021

Request: Critical areas statement of exemption for the establishment of a 20-unit safe stay shelter community with accessory structures to be located within NE 51st Circle.

Location: NE 51st Circle adjacent to city-owned parcel 162702009 with the address 11400 NE 51st Circle.

Applicant: Kerry Peck, City of Vancouver, PO Box 1995, Vancouver, WA 98668-1995. 360-487-8616.

Owner: City of Vancouver right-of-way

Decision: Exempt

Applicable Regulations

VMC 20.740.030 Applicability and Exemptions

VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas

VMC 20.740.140 Wetlands

Staff Findings

Burnt Bridge Creek lies approximately 45 feet south of the subject site, although no portion of the site is located within the floodway or floodway fringe as mapped by FEMA. Mapping indicators for wetlands and fish and wildlife habitat exist to the north and south of NE 51st Circle.

The proposed improvements are all located on the pavement of NE 51st Circle except for two short sections of fencing at the east and west ends of the subject site. This proposed fencing is located partially on pervious areas that exist from the pavement of the street to the existing fence that runs east-west along the north side of the right-of-way.

Per VMC 20.740.110A.1.e(1)(A), when impervious surfaces from previous development completely functionally isolate the Riparian Management Area or the Riparian Buffer from the waterbody, the regulated riparian area shall extend from the ordinary high-water mark to the impervious surfaces. If the waterbody is not completely physically isolated, but is completely functionally isolated, the Planning Official may adjust the regulated riparian area to reflect site conditions and sound science.

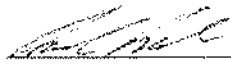
Per VMC 20.740.140C.1.b(i)(E), areas which are completely functionally separated from a wetland and do not protect the wetland from adverse impacts may be excluded from buffers otherwise required.

Based on the code sections above, the proposed improvements, being on the pavement of NE 51st Circle, are functionally isolated from any habitat or wetlands to the north or south of the street. Therefore, the improvements are not proposed within wetlands, habitat or associated buffers.

Regarding the proposed fencing within pervious areas located between the pavement of NE 51st Circle and the existing fence running east-west along the north side of the right of way, the proposed fencing is outside the mapped habitat on the north side of the street, and, based on VMC 20.740.140C.1.b(i)(E) above, functionally separated from the mapped wetland by the existing fence.

Conclusion

Based on the findings above, the proposal is found to be exempt from the provisions of the City of Vancouver's critical areas ordinance.



Andrew Reule, Senior Planner

December 1, 2021

Date

Exhibits

- 1 Application
- 2 Applicant's narrative
- 3 Site plan

c: Ryan Lopossa, Streets and Transportation Manager
Eric Hahn, Senior Transportation Engineer

EXHIBIT 1

Planning Permit Application **LAND USE PRELIMINARY APPLICATION (LUP)**

415 W 6th ST ~ Vancouver, WA 98660, P.O. Box 1995 ~ Vancouver, WA 98668, Phone (360) 487-7800

Email completed application to plans@cityofvancouver.us

REVIEW TYPE (Check one review and one process type)				
Review Type: ☐ Type I ☐ Type II ☐ Type III ☐ Type IV ☐ Tree Removal Only (nuisance or hazard)				
Process Type: ☐ Standard ☐ Streamline (Type II Applications only - Pre-submittal Meeting required)				
USE				
☐ Single-Family	☐ Commercial	☐ Multi-family	☐ Industrial	☐ Residential
☐ Duplex	☐ Wireless Communications Facility (new) see VMC 20.890			
PROJECT INFORMATION				
Site Acres:	Disturbed Acres:	Zoning:	Sewer: ☐ Septic ☒ Public	Water: ☐ Well ☒ Public
Proposed # of Lots: 7 Dwelling Units: 20 pallet shelters				
Non-Residential Bldg. Square Footage:		Ground Floor: 64 sq ft		Total of All Upper Floors:
Hard Surface Area Square Feet - New: 14,000		Replacement:		Total:
PROJECT NAME AND LOCATION				
Proposed project name: Safe Stay Community				
Project site address: 11400 NE 51st Circle			Parcel #(s):	
PROJECT DESCRIPTION				
(Briefly describe the proposed project. Provide more detail in project narrative)				
this is a 20 shelter safe stay community for the unhoused. This is a supported community for the unhoused to live in shelters while waiting for permanent housing. This location will have 20 shelter units of 64 sq ft, one office space, portable restrooms and handwashing station.				
PRIMARY APPLICANT			CONTACT	
Business Name: City of Vancouver			Business Name: City of Vancouver	
Contact Name: Kerry Peck			Contact Name: Kerry Peck	
Address: PO Box 1995			Address: PO Box 1995	
City/State/Zip: Vancouver, WA 98668-1995			City/State/Zip: Vancouver, WA 98668-1995	
Phone: 487-8616			Phone: 487-8616	
Email: kerry.peck@cityofvancouver.us			Email: kerry.peck@cityofvancouver.us	
ELECTRONIC PLANS SUBMITTER (required) (responsible for ePlans uploading and correspondence)			OWNER (attached additional sheets for multiple owners)	
Name:			Name:	
Address:			Address:	
City/State/Zip:			City/State/Zip:	
Email (required):			Email:	
Phone:			Phone:	
ONLINE PAYMENT				
Existing ePermits User Name:			Request an ePermits Account	
REQUIRED SIGNATURES				
As evidenced by my signature below, I/we agree that City of Vancouver staff has my/our full permission to enter upon the subject property at any reasonable time to consider the merits of the application, to take photographs and to post public notices.				
Applicant Signature:			Date:	
Property Owner Signature:			Date:	

LUP APPLICATION SUB TYPES

Please check all applicable applications and information where necessary

☐ Airport Height Overlay District
☐ Archaeological Pre-determination
☐ Binding Site Plan
☐ Boundary Line Adjustment # of lots to be adjusted:
☐ Comprehensive Plan Amendment (Including Zone Map Amendment with Comp Plan)
☐ Conditional Use Permit ☐ Initial (Type III) (Comm. Centers, Group Meal Service, Shelters) ☐ Major Modification (Type III) ☐ Minor Modification (Type I) Engineering Review Required ☐ Yes ☐ No
☐ Covenant Release
☒ Critical Areas (not used when in Shoreline) Check one → ☐ Duplex/Single Family ☐ All Other Uses Check one → ☐ Permit ☒ Statement of Exemption (No Fee) Check the applicable critical area(s) ☐ Fish & Wildlife ☐ Frequently Flooded ☐ Geological Hazards ☐ Wetlands ☐ Minor Exception (not common) ☐ Reasonable Use (not common)
☐ Design Review ☐ Exterior Modification Only ☐ All Others
☐ Development Agreement ☐ Initial ☐ Modification ☐ Extension
☐ Historic Preservation
☐ Legal Lot Determination # of lots to be reviewed:
☐ Master Plan/Public Facilities MP ☐ Conceptual (without Site Plan Review) ☐ Detailed (with Site Plan Review) ☐ Hybrid (Some areas with Site Plan Review)
☐ Planned Development ☐ Commercial ☐ Residential ☐ Mixed Use* *Ground Floor SF: 64 sq ft Upper Floor SF:
☐ Plat Alteration
☐ Post Decision Review/Modification (Includes Planned Development/Master Plan Modifications) ☐ Type I ☐ Type II ☐ Type III Engineering Review Required ☐ Yes ☐ No

☐ Road Modification ☐ Minor (Administrative) ☐ Technical (Minor) ☐ Major (Design) Submitted: ☐ Before ☐ After Decision (submitted after decision is not common)
☐ Shoreline Permits ☐ Substantial Development Permit ☐ Shoreline Permit Exemption (no fee) ☐ Shoreline Conditional Use ☐ Shoreline Variance
☐ Site Plan Review ☐ Type I ☐ Type II Check Use Type below ☐ Residential ☐ Non-Residential ☐ Qualified Planned Action ☐ Unoccupied Commercial/Utility Structure ☐ Commercial Pad ☐ Land Extensive Stormwater ☐ Yes ☐ No Transportation ☐ Yes ☐ No
☐ State Environmental Policy Act (SEPA) ☐ Check if for Single-Family Residential house (only) ☐ Residential Site Plan Review (SPR) ☐ Grading Only ☐ Subdivision or Planned Development ☐ Non-Project Actions (not common) ☐ All Other (Includes Comm/Indust SPR) ☐ Qualified Planned Action (When more than one applies check All Other)
☐ Subdivision/Short Subdivision ☐ Short Subdivision (2-9 lots) ☐ Subdivision (10+ Lots)
☐ Temporary Use ☐ Commercial/Industrial ☐ Unforeseen Emergency ☐ Seasonal or Special Event ☐ Model Home or Sales Office
☐ Tree Plan Enter Tree Plan Level (1 to 7): (Tree Removal for nuisance or hazard tree(s) is Level 3)
☐ Variance ☐ Check if for Single Family Residential house ☐ Type I - # requested: ☐ Type II - # requested: Stormwater ☐ Yes ☐ No Transportation ☐ Yes ☐ No
☐ Zoning Certificate
☐ Zoning Map Amendment (Not Involving Comprehensive Plan Amendment)
☐ Zoning Verification

EXHIBIT 2**Safe Stay Community Narrative:**

The COV has contracted with a nonprofit, Outsiders Inn, to operate a Safe Stay Community (SSC) at (address). The SSC will consist of 20 small shelter units that house up to 40 total individuals, 1 office unit, restrooms, dumpster w/regular trash service, a storage shed, and a canopied/tented community space. Each unit will have power, heat, beds, emergency egress, windows and a lockable door. The site will be fenced and have gates for emergency vehicle access on both ends.

The purpose of this SSC is to provide a safer and more sanitary place for individuals experiencing unsheltered homelessness to stabilize and work to resolve their homelessness. Outsiders Inn will staff the site 24/7 and ensure safety, cleanliness, and code of conduct expectations are adhered to. Outsiders Inn has a specific application and referral process for admission, and will work with outside service providers to ensure connection between residents and needed services/supports. Outsiders Inn will also work to engage the surrounding community and participate in neighborhood meetings. Contact info that can be used by neighbors and other community members will be made available to the public for any questions, concerns, volunteer opportunities, etc. Per the amended camping ordinance, no unsanctioned camping will be allowed within 1000 feet of the SSC, and that will be regularly monitored and enforcement by the City's HART team. Outsiders Inn also has an outreach team/program, and that team will focus some of their outreach efforts on the neighborhoods surrounding the SSC to offer services, refer to open SSC units, and connect folks with other resources.

Exhibit B
Page 13 of 13

From: [Nathalie Dart](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Please Vote in Favor of Safe Stay Community #3
Date: Sunday, November 6, 2022 6:55:46 PM

You don't often get email from [REDACTED] [Learn why this is important](#)

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

Please vote in favor of Safe Stay Community #3. I am a resident renting an apartment in the Shumway neighborhood and have seen people in our community struggling with houselessness, food insecurity, and mental health issues. I support the proposed Safe Stay Community #3 located at 415 W. 11th St., 98660 and think it will have a positive impact on the residents of our community that need it most and the community at large. I have been following the updates The City of Vancouver has shared about the two other communities already in existence and think the success of the program is evident. I'm grateful and proud to live in a community where we prioritize the vulnerable and meet people where they are at.

Sincerely,
Nathalie Dart

From: [Amanda Rose Ratcliffe](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Stay Safe Community
Date: Monday, November 7, 2022 11:11:33 AM

You don't often get email from [REDACTED] [Learn why this is important](#)

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello City Council,

I lived in downtown Vancouver, Washington for several years. I am a social worker and did my own outreach for the people living on the streets. I learned from the people who were homeless that they were desperate for a safe place to stay. One person shared with me the reason he used drugs was to cope with living on the streets. I would take his calls late at night as he cried. He was scared. He talked about wanting sobriety and to work. Yet without a place to live, he struggled to apply for jobs, to feel like a human.

Many of us have no idea what it's like to be homeless. People don't choose their situations. When I really started to learn about the people living on the streets in downtown Vancouver, I learned oftentimes they experienced adverse childhood trauma.

We must have empathy. Listen to their stories, their past and present. They are people deserving of a safe place to live. Without that Safe Stay Community, the problems will only continue to get worse.

I hope everyone reading this can take a minute to imagine. Imagine the people living on the streets once were children. Imagine them as children, lost, broken, and in need of love. They are children of God. Let's treat them as such. Stay Safe Community is a blessing, and I'm thankful for the angels working on the ground to help the lost souls find a safe place to heal.

Thank you City Council for listening

A. Rose Ratcliffe

From: [Friends for Homes](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Stay Safe Community
Date: Monday, November 7, 2022 11:36:59 AM

You don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Vancouver City Council,

I and others who lived in downtown Vancouver would often do outreach to people living on the streets. We would set up music and dance at Esther Short Park. There was a person who had filth on his clothes, stunk, and looked seemingly scary. We put on music, and he danced with us. He came up to me and gave me big hug. I was not scared. I was not repulsed. I felt his need for love and acceptance. I gave him a big hug back. We saw them as people who are of need of love.

Beneath the disheveled look and seemingly scary appearance, they are people who deserve a safe community to heal, to recover, and to receive love.

Stay Safe Community is a common sense approach.

Thank you for your logical and rational thinking!

Friends for Homes

From: [City of Vancouver - Office of the City Manager](#)
To: [Dollar, Sarah](#)
Subject: FW: Written comments for City Council meeting Safe Space Encampment
Date: Friday, November 4, 2022 9:33:06 PM

Hi Sarah,

Please see the comments below for the 11/7 council meeting.

Thank you!
Stephanie

City Manager's Office
CITY OF VANCOUVER
P.O. Box 1995 • Vancouver, WA 98668-1995
P: 360.487.8600 | F: 360.487.8625
www.cityofvancouver.us

-----Original Message-----

[REDACTED]
Sent: Friday, November 4, 2022 6:51 PM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: Written comments for City Council meeting Safe Space Encampment

[REDACTED] Learn why this is important at
<https://aka.ms/LearnAboutSenderIdentification>]

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Dear Council members and Mayor,

I am a survivor of domestic abuse, and for that reason, wish to remain anonymous.

I've struggled for weeks to gather the courage to tell my story and as to why I am concerned about the Safe Space placement.

Many years ago I was attacked and beaten unconscious, only to awaken to a broken jaw and a shattered life for myself and my two small boys.

In addition to that trauma, I am also hearing impaired. As a hearing impaired person I can not tell where sounds come from and if someone is behind me, the noise sounds like it's coming from in front of me.

I can't ride a bike or electric bike because of this and often walk to work. My travels to and from work are right past the proposed site.

Over the last few years, I've been accosted a couple of times when out walking in the daylight. Had it not been for the employees at Heathen Brewery during one of these encounters, I'm not sure what would have happened.

The point is, why are you putting this in the historic downtown area where you want to encourage people to walk and bike? It seems counterintuitive.

Whoever is giving you the crime stats about the one on 4th plain is not being honest. I know for a fact a large

business across from it is looking for a new location due to the increase in theft, garbage, rodent activity and their employees being accosted and vehicles damaged.

Consider all your options and all the people you represent, not just the few. Please reconsider.

Respectfully,

Sent from my iPhone

From: [Miya](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Monday, November 7, 2022 10:21:16 AM

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City Council Contact Form

Submitted date: Monday, November 7, 2022 - 10:21am

Contact Information

First name:

Miya

Last name:

Zimmermann

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98661

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

Good morning,

I support the proposed Safe Stay Community number three at the proposed site, and think it would be a disservice to not move forward with the plan. This location is the best option available that's both financially viable for the city, as well as being close enough to transit and services for the unhoused community members residing there.

Safe Stay sites reduce unsafe camping on the street, provide necessary services to our houseless neighbors, and improve the cleanliness and walkability of the neighborhood. This Safe Stay site would benefit county residents and business owners alike, and has my full support.

Upload a file:

From: [Joey](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Monday, November 7, 2022 10:22:47 AM

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City Council Contact Form

Submitted date: Monday, November 7, 2022 - 10:22am

Contact Information

First name:

Joey

Last name:

Zimmermann

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98661

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

Good Morning,

I support the proposed Safe Stay Community number three at the proposed site, and think it would be a disservice to not move forward with the plan. This location is the best option available that's both financially viable for the city, as well as being close enough to transit and services for the unhoused community members residing there.

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Upload a file:

From: [Dominic](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Monday, November 7, 2022 11:02:45 AM

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City Council Contact Form

Submitted date: Monday, November 7, 2022 - 11:02am

Contact Information

First name:

Dominic

Last name:

Ferchaud

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98663

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

Please make public camping in Vancouver illegal again no more safe pods and especially near Vancouver public schools. My experience as of late with homeless people near high school is I've seen open drug use , fights and garbage piles . Children walking through all of this to get to school . A letter went out to parents that two men offered drugs to a minor walking to school which was near the high school . I'm afraid that ignoring this will affect and has affected our children's safety so please don't disregard this message thank you

Upload a file:

From: [Jesse D. Conway](#)
To: [City of Vancouver - Office of the City Manager](#)
Date: Monday, November 7, 2022 10:39:55 AM

You don't often get email from jesse@conwaylaw.net. [Learn why this is important](#)

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Hello –

These are comments for the City Council Meeting tonight. I would like to comment on the proposed Stay Safe Community. I work and own the building at 1014 Franklin St. This area of downtown is historic and very unique. Many of us have worked very hard in maintaining and restoring our properties in this area. As a result this local area has thrived. Placing a homeless shelter in the middle of this vibrant business area is not a good idea. I have spoken with many of my clients and others and if such a shelter is placed it will deter them from coming to this area. In addition to being a deterrent for business, it will be an enormous aesthetic set back to the area. I have seen many local business grow and create jobs which helps those willing to work to better their circumstances. The City of Vancouver would be shooting themselves in the foot if they proceeded to place this homeless shelter in the middle of downtown when there are several better suited areas to do this. Please make a wise long term decision here. Thank you.

Jesse

Jesse D. Conway

Attorney At Law

[REDACTED]

Vancouver, WA 98660

Telephone: (360) 906-1007

Fax: (360) 906-8155

[REDACTED]

Notice: This email transmission may contain information that is protected by the attorney-client privilege. If you are not the intended recipient, you are hereby notified that any disclosure, or taking of any action in reliance on the contents, is strictly prohibited. If you have received this transmission in error please contact Jesse D. Conway at (360) 906-1007 or 1014 Franklin St., Vancouver, WA 98660.

From: [j.mayo](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Support for Safe Stay
Date: Monday, November 7, 2022 7:22:53 AM

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Good morning,

I support the proposed Safe Stay Community number three at the proposed site, and think it would be a disservice to not move forward with the plan. This location is the best option available that's both financially viable for the city, as well as being close enough to transit and services for the unhoused community members residing there.

Safe Stay sites reduce unsafe camping on the street, provide necessary services to our houseless neighbors, and improve the cleanliness and walkability of the neighborhood. This Safe Stay site would benefit city residents and business owners alike, and has my full support.

Sincerely,

Jillian Mayo
Hough Resident

From: [Brittany Miller](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Please Vote in Favor of Safe Stay Community #3
Date: Sunday, November 6, 2022 10:46:55 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Dear City Council,

Please vote in favor of Safe Stay Community #3. I am a resident renting an apartment in the Arnada neighborhood and have seen people in our community struggling with houselessness, food insecurity, and mental health issues. I support the proposed Safe Stay Community #3 located at 415 W. 11th St., 98660 and think it will have a positive impact on the residents of our community that need it most and the community at large. I have been following the updates The City of Vancouver has shared about the two other communities already in existence and think the success of the program is evident. I'm grateful and proud to live in a community where we prioritize the vulnerable and meet people where they are at.

Best,
Brittany Miller

From: [Ashley Blose](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Proposed Safe Stay Community #3, Downtown
Date: Sunday, November 6, 2022 10:17:38 PM

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To Whom it May Concern:

I support the proposed Safe Stay Community number three at the proposed site, and think it would be a disservice to not move forward with the plan. This location is the best option available that's both financially viable for the city, as well as being close enough to transit and services for the unhoused community members residing there.

Safe Stay sites reduce unsafe camping on the street, provide necessary services to our houseless neighbors, and improve the cleanliness and walkability of the neighborhood. This Safe Stay site would benefit city residents and business owners alike, and has my full support.

Regards,
Ashley Blose,
Vancouver Resident

From: [Lanette Pieterse](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Support for stay safe community #3
Date: Sunday, November 6, 2022 9:46:42 PM

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Hello,

Would like to voice my support for the third stay safe community at the intended location. As a resident in the Hudson Bay area and a frequent visitor to downtown I believe this to be best for our community and our houseless neighbors.

Thank you for your consideration, I do understand the the comment period is closed and regret not having added my support earlier.

Warm regards,

Lanette Pieterse

From: [E Kearney](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Safe stay community.
Date: Sunday, November 6, 2022 9:34:08 PM

You don't often get email from [REDACTED] [Learn why this is important](#)

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I implore you to approve a safe stays community in the downtown area. I help direct two family shelters for a local non-profit. Providing safe transitional housing for our unhoused neighbors will actually make a difference in this crisis. More sweeps will only leave people more desperate and will push some over the edge as even their meager means of survival is stripped away from them. We know the definition of insanity is continuing to do what doesn't work. The answer to houselessness is affordable housing and safe transition spaces. Please show the courage to move forward for the benefit of our suffering neighbors and our neighborhoods.

From: [Ian Bader](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Stay Safe Agenda Item
Date: Sunday, November 6, 2022 8:04:06 PM

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I support the proposed Safe Stay Community number three at the proposed site, and think it would be a disservice to not move forward with the plan. This location is the best option available that's both financially viable for the city, as well as being close enough to transit and services for the unhoused community members residing there.

Safe Stay sites reduce unsafe camping on the street, provide necessary services to our houseless neighbors, and improve the cleanliness and walkability of the neighborhood. This Safe Stay site would benefit city residents and business owners alike, and has my full support.

From: [Nate Russell](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: VOTE YES: Safe Stay Community #3
Date: Sunday, November 6, 2022 6:54:28 PM

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Hello,

I want to formally support the Safe Stay Community #3 at 415 W 11th Street, 98660. I am a resident of the Shumway neighborhood in Vancouver, and I have seen firsthand the many citizens struggling with houselessness, mental health, and disenfranchisement within this community. I believe projects like the Safe Stay Community #3 will give members of the community that are struggling a safe and stable base for them to get back on their feet and gain some dignity and independence, things that all members of our society should have available to them! It is an absolute shame that we live in a country with such wealth and opportunity, yet people are still living on the streets with empty stomachs.

Sincerely,

Nate Russell

Sent from [Mail](#) for Windows

From: [Kyle](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Sunday, November 6, 2022 8:03:11 PM

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City Council Contact Form

Submitted date: Sunday, November 6, 2022 - 8:03pm

Contact Information

First name:

Kyle

Last name:

Roslund

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98661

Inquiry Information

Subject:

Comment on an upcoming Council agenda item

Recipient:

All of Council

Message:

I support the proposed Safe Stay Community number three at the proposed site, and think it would be a disservice to not move forward with the plan. This location is the best option available that's both financially viable for the city, as well as being close enough to transit and services for the unhoused community members residing there.

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Upload a file:

From: [Tasia](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Sunday, November 6, 2022 12:27:24 PM

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City Council Contact Form

Submitted date: Sunday, November 6, 2022 - 12:27pm

Contact Information

First name:

Tasia

Last name:

Markus

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98660

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

Hello members of the City Council,

I support the proposed Safe Stay Community number three at the proposed site, and think it would be a disservice to not move forward with the plan. This location is the best option available that's both financially viable for the city, as well as being close enough to transit and services for the unhoused community members residing there.

Safe Stay sites reduce unsafe camping on the street, provide necessary services to our houseless neighbors, and improve the cleanliness and walkability of the neighborhood. This Safe Stay site

would benefit city residents and business owners alike, and has my full support.

Thank you,
Tasia Markus
Upload a file:

From: [Kelsi](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Sunday, November 6, 2022 10:11:18 AM

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City Council Contact Form

Submitted date: Sunday, November 6, 2022 - 10:11am

Contact Information

First name:

Kelsi

Last name:

Collins

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98682

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

I support the proposed Safe Stay Community number three at the proposed site, and think it would be a disservice to not move forward with the plan. This location is the best option available that's both financially viable for the city, as well as being close enough to transit and services for the unhoused community members residing there.

Safe Stay sites reduce unsafe camping on the street, provide necessary services to our houseless neighbors, and improve the cleanliness and walkability of the neighborhood. This Safe Stay site would benefit city residents and business owners alike, and has my full support.

Upload a file:

From: [Kailee](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Sunday, November 6, 2022 9:07:55 AM

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City Council Contact Form

Submitted date: Sunday, November 6, 2022 - 9:07am

Contact Information

First name:

Kailee

Last name:

Myets

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98675

Inquiry Information

Subject:

Recipient:

All of Council

Message:

As someone who has lived, worked, and gone to school downtown, the reality of what walking downtown is like is not lost on me. Because of that, I support the proposed Safe Stay Community number three at the proposed site, and think it would be a disservice to this city to not move forward with the plan. This location is the best option available that's both financially viable for the city, as well as being close enough to transit and services for the unhoused community members residing there.

Safe Stay sites reduce unsafe camping on the street, provide necessary services to our houseless neighbors, and improve the cleanliness and walkability of the neighborhood. This Safe Stay site would benefit city residents and business owners alike, and has my full support.

Thank you so much for your time.

Upload a file:

From: [Alera](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Sunday, November 6, 2022 8:25:25 AM

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City Council Contact Form

Submitted date: Sunday, November 6, 2022 - 8:25am

Contact Information

First name:

Alera

Last name:

Saul

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98663

Inquiry Information

Subject:

Comment on an upcoming Council agenda item

Recipient:

All of Council

Message:

Dear city council members,

I am writing to urge you to support expanding the stay safe housing program and creating a stay safe community in the downtown area.

I live near downtown in rosemere neighborhood and I see the increasing homeless population in this area. Providing these individuals with stable housing helps them get jobs and access other community resources which require addresses.

In addition to that, creating this hosting development will increase the safety of the downtown area and help local business.

Thank you for your time and consideration,

Alera Saul
Upload a file:

From: [LES](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Saturday, November 5, 2022 8:05:05 PM

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City Council Contact Form

Submitted date: Saturday, November 5, 2022 - 8:04pm

Contact Information

First name:
LES

Last name:
WOLF

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:
98664

Inquiry Information

Subject:

Recipient:
All of Council

Message:

My concern regarding the location selected for the third "safe stay" project.

Upload a file:

From: [Joseph](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Saturday, November 5, 2022 2:00:03 PM

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City Council Contact Form

Submitted date: Saturday, November 5, 2022 - 1:59pm

Contact Information

First name:

Joseph

Last name:

Kalister

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98664

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

I support the proposed Safe Stay Community number three at the proposed site, and think it would be a disservice to not move forward with the plan. This location is the best option available that's both financially viable for the city, as well as being close enough to transit and services for the unhoused community members residing there.

Safe Stay sites reduce unsafe camping on the street, provide necessary services to our houseless neighbors, and improve the cleanliness and walkability of the neighborhood. This Safe Stay site would benefit county residents and business owners alike, and has my full support.

Upload a file:

From: [Sharon](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Saturday, November 5, 2022 1:58:54 PM

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City Council Contact Form

Submitted date: Saturday, November 5, 2022 - 1:58pm

Contact Information

First name:

Sharon

Last name:

Kalister

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98664

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

I support the proposed Safe Stay Community number three at the proposed site, and think it would be a disservice to not move forward with the plan. This location is the best option available that's both financially viable for the city, as well as being close enough to transit and services for the unhoused community members residing there.

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Upload a file:

From: [Dave](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Saturday, November 5, 2022 1:54:48 PM

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City Council Contact Form

Submitted date: Saturday, November 5, 2022 - 1:54pm

Contact Information

First name:

Dave

Last name:

Pickering

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98683

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

I support the proposed Safe Stay Community number three at the proposed site, and think it would be a disservice to not move forward with the plan. This location is the best option available that's both financially viable for the city, as well as being close enough to transit and services for the unhoused community members residing there.

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Upload a file:

From: [Ameet](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Saturday, November 5, 2022 1:54:01 PM

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City Council Contact Form

Submitted date: Saturday, November 5, 2022 - 1:53pm

Contact Information

First name:

Ameet

Last name:

Brahmavar

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98685

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

I support the proposed Safe Stay Community number three at the proposed site, and think it would be a disservice to not move forward with the plan. This location is the best option available that's both financially viable for the city, as well as being close enough to transit and services for the unhoused community members residing there.

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Upload a file:

From: [Sydney](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Saturday, November 5, 2022 1:50:23 PM

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City Council Contact Form

Submitted date: Saturday, November 5, 2022 - 1:50pm

Contact Information

First name:

Sydney

Last name:

Brahmavar

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98663

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

I support the proposed Safe Stay Community number three at the proposed site, and think it would be a disservice to not move forward with the plan. This location is the best option available that's both financially viable for the city, as well as being close enough to transit and services for the unhoused community members residing there.

Safe Stay sites reduce unsafe camping on the street, provide necessary services to our houseless neighbors, and improve the cleanliness and walkability of the neighborhood. This Safe Stay site would benefit county residents and business owners alike, and has my full support.

Upload a file:

From: [Jean M. Avery](#)
To: [City Council](#)
Subject: Nov. 7 public comment re Stay Safe
Date: Saturday, November 5, 2022 7:15:03 AM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Madam Mayor and Council Members:

I wish to comment on the proposed Stay Safe site in downtown Vancouver. I personally do not think this is the "best use" of this location.

I recently walked through this historic part of Vancouver while touring Heritage Trees. This part of Vancouver may be Vancouver's choicest neighborhood. I certainly can see why nearby residents and business owners object to this proposal.

As Vancouver seeks to encourage more walking, our downtown IS walkable: from the historic district through Esther Short park, to the new Waterfront, over the Convergence bridge, and along Officers Row.

Let's showcase Vancouver's re-emerging downtown and find a more suitable location for the next Stay Safe community.

Jean M. Avery
Vancouver resident
Hike leader with Parks and Recreation

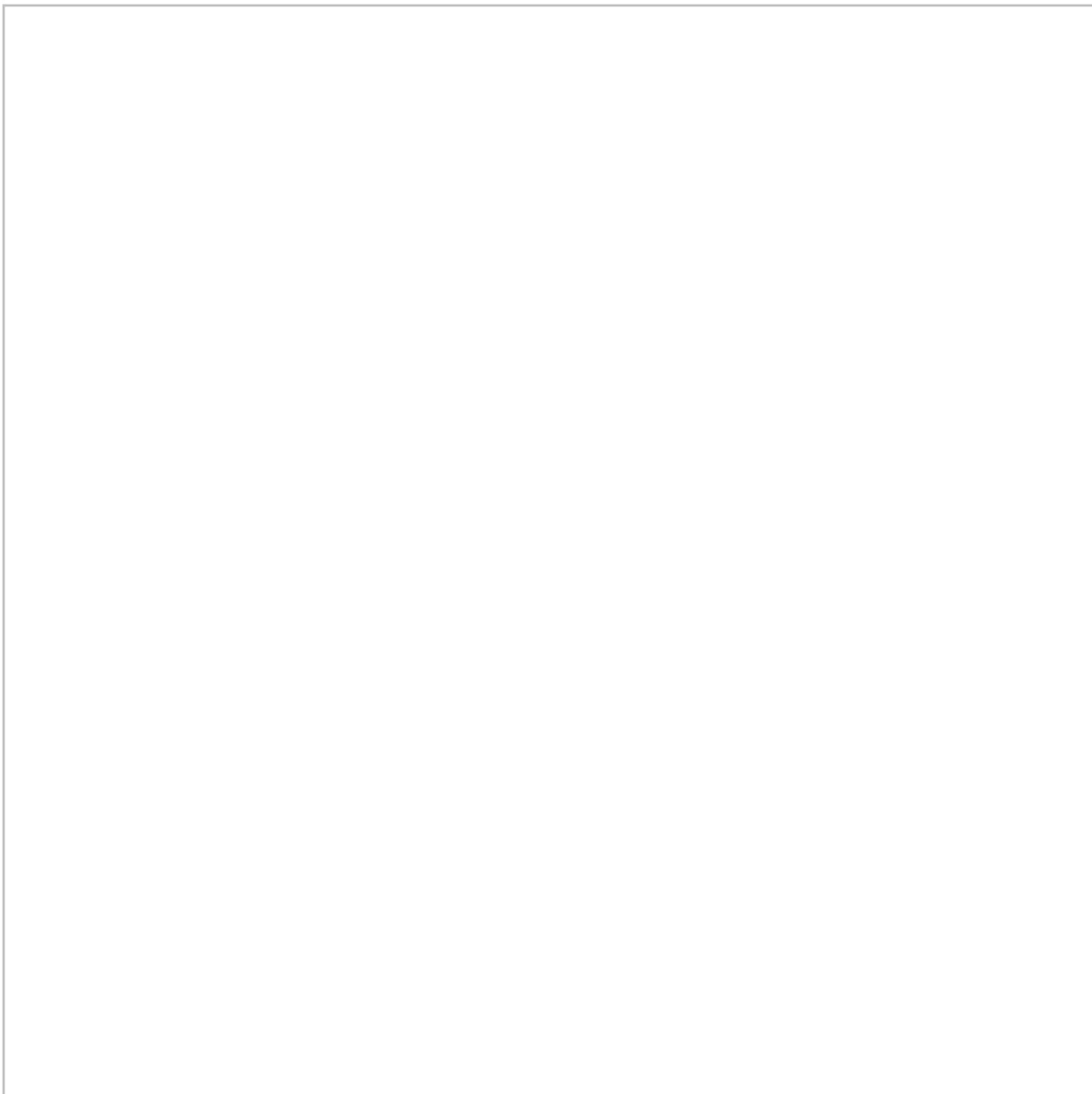
From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: Fwd: Doctors issue CVD Vaxx danger warnings
Date: Monday, November 7, 2022 8:55:28 AM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Read this and please send it to the councils and Dr. MELNECK. Thanks from Wynn

----- Forwarded message -----

From: Jonathan Otto <[REDACTED]>
Date: Mon, Nov 7, 2022, 8:24 AM
Subject: Doctors issue CVD Vaxx danger warnings
To: <[REDACTED]>



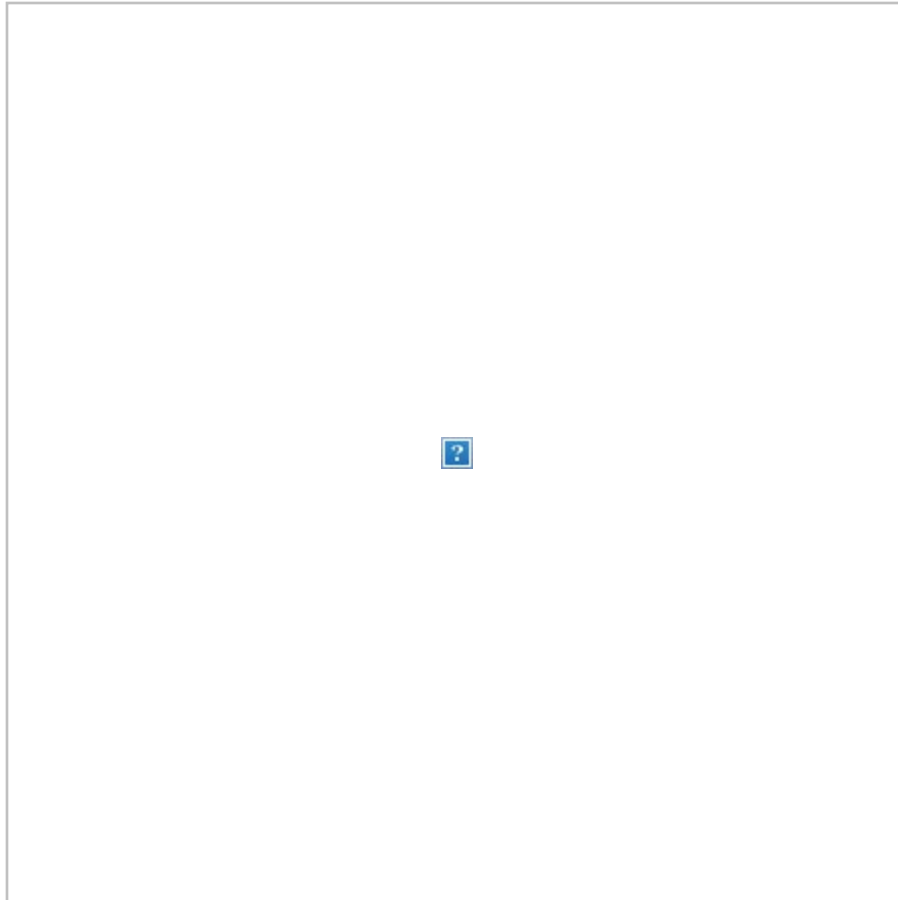
Hey Wynn,

If you've been following the news lately, you may already know that Fauci recently admitted that COVID-19 vaccines **do not** protect "*overly well*" against C0V!D infection.

This came after he was under fire for getting C0V!D even though he received the jab and a booster shot. And naturally, the public wanted an explanation.

Fauci claims that the C-19 shot's sole purpose is to keep people

from being hospitalized from COVID complications, particularly in older people...



If this is his stance, then WHY do the global government and health authorities continue pushing the jab on those who are in low-risk categories?

[READ MORE HERE](#)

Multiple studies have shown that children, in particular, have a **very low risk of dying** from the infection.

Research Square published an article confirming that “*Deaths in children and young people (CYP) following SARS-CoV-2 infection are rare.*”

Researchers also noted that the findings of this study should be

used to “*guide families, clinicians, and policymakers about future shielding and vaccination.*”

[READ THE STUDY HERE](#)

What’s **extremely concerning** is that the jab is completely unnecessary, as proven by studies, for children and young people...

And yet, they are proving to be extremely lethal. But the government continues to move forward with putting the C-19 clot shot on the childhood vaccine schedule?

This is diabolical to me.

And, the media continues trying to cover this up.

But there are now **numerous doctors speaking out about their concerns about the jab**... They’re seeing the dangerous side effects *firsthand*!

Just last month, Dr. Nick Coatsworth, a public administration and practising infectious diseases physician issued a warning about the C-19 vaccine for children...

He additionally demanded a review over the myocarditis side effects that he’s seeing in children who have been vaxxed.

He further stated that “*If you’re a healthy child or teenager, the benefit of the Covid vaccine just isn’t there, Covid itself is not going to kill you in that age group.*”

[READ THE STORY HERE](#)

Another top doctor also issued a warning last month as his concerns grow over the high-risk of death that the C-19 shot poses to young men.

Surgeon General, Dr. Joseph A. Ladapo went to *Twitter* to share his concerns with the public after an analysis they conducted showed “*an increased risk of cardiac-related death among men 18-39*”.



According to the self-controlled case series study...

There was an 84% increase in the “*relative incidence of cardiac-related death among males 18-39 years old within 28 days*” after receiving mRNA vaxxes, Pfizer-BioNTech or Moderna.

The study also cautioned that, “*the risk associated with mRNA vaccination should be weighed against the risk associated with COVID-19 infection.*”

[READ THE STUDY HERE](#)

And of course, the media and global government **will do anything to hide the truth** and have responded by trying to discredit the study.

But we KNOW that the *real-life* evidence proves this is true.

This is what has prompted doctors to look into the dangers after all...

One way to prove this is by going to *Google*, and again, typing in “died suddenly” and going to the news tab... The results are chilling.

And, how else can we explain the alarming rise in daily reports of young people and children *dying suddenly*?

Stew Peters’ latest documentary, ***Died Suddenly*** shares insight into the long, stringy and rubbery amyloid clots that embalmers are finding in those who are vaxxed, and who died unexpectedly.

[WATCH THE TRAILER HERE](#)

There are so many concerns about the REAL dangers of the so-called C0V!D “vaccine”.

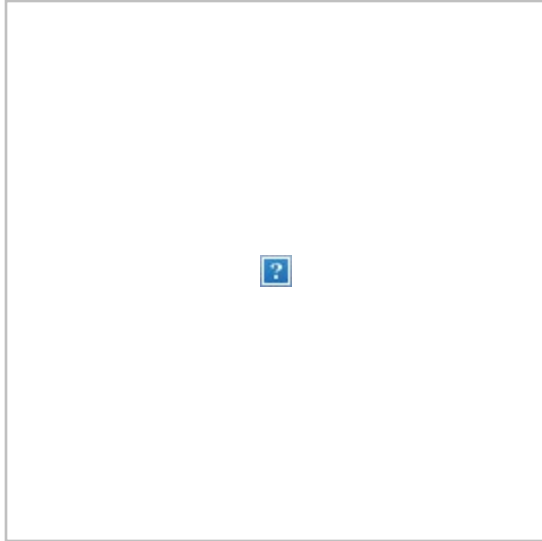
And while people are still very afraid of getting the “C-19 virus”, which we KNOW is envenomation...

A large number of doctors and health experts have found that **early treatment dramatically lowers the risk of death** from infection.

So I urge everyone to ask themselves whether getting the jab is really worth the life-threatening risks?

It’s time to share and acknowledge the TRUTH.

Jonathan Otto



This email was sent to 1955wcg@gmail.com by
jonathan@healthsecret.com

1708 Montilla, StSantee, CA 92071

[Unsubscribe](#)

From: [Cook, Nena](#)
To: [Dollar, Sarah](#)
Subject: FW: PeterBracchi City Council 2022 11 07 Safe Stay Community 3 Update
Date: Monday, November 7, 2022 7:22:44 AM
Attachments: [PeterBracchi City Council 2022 11 07.pdf](#)

Sarah,

I assume you received this too, but wanted to send it just in case. Thanks!!

From: [REDACTED]
Sent: Sunday, November 6, 2022 6:18 PM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Cc: Cook, Nena <Nena.Cook@cityofvancouver.us>
Subject: PeterBracchi City Council 2022 11 07 Safe Stay Community 3 Update

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Here is my document for presentation to city council on Nov 7th and as a Public Record for the Meeting.

Thanks, Peter

Peter Bracchi

November 7th, 2022, Vancouver City Council Meeting, Speaking Notes 9) Safe Stay Community 3 Update

I approve the location of the downtown 3rd Safe Site if City Council will consider the following:

The Residents of the Men's Share House, the area Business and Homeowners have been discriminated against and have suffered the loss of Safety, Cleanliness and use of the Public Streets and Sidewalks over the Last 6 years. Martin v. City of Boise decision has no effect on laws prohibiting drug dealing, violent criminal activity, and conduct that poses environmental and health hazards. See included PDF below.

- 1) Expand City Ordinance as to: No Camping around the Shelter for Single Men 1115 W 13th Street.
- 2) Determine if the City is Creating Discriminating Laws/City Codes with regard to Geographic Areas or Social Economic Status?
- 3) When is the use of Officer Discretion considered Discrimination, or a Legal Abuse and a threat to the rule of law?

Email From FOIA Freedom of Information Act

From: [Chavers, Tyler](#)
To: [Eiken, Chad](#); [Sheehan, Peggy](#); [King, Dave](#)
Subject: RE: Share Encampment (criminal enforcement of ordinance)
Date: Wednesday, February 22, 2017 3:44:00 PM

All,

While I do not have a crystal ball, and cannot tell what will happen in the future as we change our approach to the current short-term management of the homeless issue specifically around the Share House, I wanted to weigh in with my "boots on the ground experience". A few thoughts on the assumptions outlined below.

1) I am not sure 'defensible' is as weighty as other side effects changing the approach will have (like spreading the problem around a much larger/dispersed area, or driving them into the areas much harder to get at to clean up, attitude that we have declared war on the homeless from some folks, etc). Currently, all misdemeanor crimes except for domestic violence crimes, are discretionary. Officers have discretion (use their judgment) as to whether to use arrest as a tool, or simply as leverage to gain compliance. Officers are using discretion across the city with regard to the homeless. Saying otherwise opens the city to unnecessary liability and is untrue. I am unaware of any legal rulings with regard to 'where' discretion is exercised- more liberally applied in some areas than others. This already happens with all kinds of crimes, code violations, etc. Different geographical, socio-economic areas are treated differently because of discretion. On that note, Chief McElvain spent considerable funds putting the entire department thru 2 rounds of Blue Courage training. The fundamental component of Blue Courage is about officer's using wise judgment (discretion) with regard to using the law, and to what ends. Once quote from that training was, "Are you willing to commit an injustice in order to follow the policy or an area of law where discretion exists?" The question was rhetorical to make the point that sometimes the best course of action is arrest, and sometimes it is not.



Breaking the Legal Paralysis: Combatting California's Homelessness Crisis After *Martin v. City of Boise*¹

Billy Cole, Theane Evangelis, and Bradley J. Hamburger



William F. Cole currently serves as an Assistant Solicitor General for the State of Texas, where he represents the State, its agencies, and its officers in complex and high-profile appellate matters. Mr. Cole was previously an associate in the Los Angeles office of Gibson, Dunn & Crutcher LLP, where he practiced in the Appellate & Constitutional Law and Class Actions practice groups. He graduated from the University of Pennsylvania Law School in 2015, and served as a law clerk to the Honorable Edith H. Jones of the U.S. Court of Appeals for the Fifth Circuit.



Bradley J. Hamburger is a partner in the Los Angeles office of Gibson, Dunn & Crutcher. He practices in the firm's Class Actions, Appellate and Constitutional Law, and Labor and Employment practice groups, and focuses on complex litigation and class actions in both trial courts and on appeal. Mr. Hamburger has defended clients in class actions and appeals across numerous substantive areas of law, including employment, consumer fraud, anti-trust, and products liability. Mr. Hamburger graduated from Harvard Law School in 2009, and served as a law clerk to the Honorable James V. Selna in the U.S. District Court for the Central District of California.



Theane Evangelis is a partner in the Los Angeles office of Gibson, Dunn & Crutcher LLP. She serves as Co-Chair of the firm's global Litigation Practice Group and previously served as Co-Chair of the firm's Class Action Practice Group. Ms. Evangelis is also a member of the Appellate, Labor and Employment, Media, Entertainment, and Technology, and Crisis Management Practice Groups. She joined Gibson Dunn after serving as a law clerk to Justice Sandra Day O'Connor during October Term 2004. Ms. Evangelis has served as lead counsel in a wide range of bet-the-company appellate, constitutional, class action, labor and employment, media and entertainment, and crisis management matters in trial and appellate courts across the country.

I. INTRODUCTION

Despite billions of dollars in allocated resources, the construction of brand new shelters, and relaxed enforcement of “quality-of-life” ordinances, the crisis of homelessness gripping the State of California has only grown more acute in recent years. More than a thousand persons experiencing homelessness died in 2020 in Los Angeles alone. And a proliferation of dangerous encampments throughout cities has contributed to a sharp uptick in crime affecting homeowners, business owners, and persons experiencing homelessness alike.

What has contributed to the rapid deterioration of conditions on the streets of the Golden State? In this article, we argue that for years municipalities have pursued a failed litigation strategy—consisting of entering into broad, sweeping settlements following setbacks in the course of litigation—that has resulted in entrenching the ever-worsening conditions playing out daily in our cities, and in Los Angeles in particular. That litigation strategy, and the concomitant retreat from enforcement of decades-old, ordinary, municipal laws, reached its apotheosis in

the wake of the Ninth Circuit's decision in *Martin v. City of Boise*, which held that municipalities could not issue criminal citations to persons sleeping in public spaces if that jurisdiction has fewer shelter beds available than persons experiencing homelessness.

Following *Martin*, what can be done in cities that currently lack enough space in shelters to house their entire population of persons experiencing homelessness, but that still wish to ensure that public spaces remain safe and sanitary for all residents? We propose that such cities simply take the courts at their word with respect to the limited scope of the *Martin* decision, mount a defense to their laws regulating public health and safety, and refuse to capitulate during the course of litigation. Even under *Martin*, the vast majority of ordinances regulating the public's use of city streets, sidewalks, and other public areas remain fully constitutional and enforceable—particularly those imposing time, manner, and place restrictions—and cities should not retreat from their defense. Furthermore, *Martin* has no effect on laws prohibiting drug dealing, violent criminal activity, and conduct that poses environmental and health hazards. Enforcement of municipal law remains an important tool for cities to use in combatting the multi-dimensional problem of homelessness and thereby wresting back their city streets from the scourge of crime, violence, and disease, thus making those cities safer for all citizens—especially those experiencing homelessness. While *Martin* does create a significant hurdle to curbing the homelessness crisis, it does not mean that municipalities must give up in the face of an increasing threat to public safety. As shown below, elected officials can find no refuge in the *Martin* decision to justify further inaction in addressing the homelessness crisis, which has torn the social contract asunder.

II. A CRISIS OF MONUMENTAL PROPORTIONS

The crisis of homelessness gripping the State of California is monumental. The most recent count, conducted in 2019, revealed that the number of unhoused Californians is in excess of 150,000 persons, which represents more than a quarter of the *entire country's* homeless population—double what one would expect in a State that contains roughly twelve percent of the country's population.² Over 66,000 of those individuals reside in Los Angeles County alone.³ And the coronavirus pandemic with its attendant economic downturn promises to make this crisis more acute still. By one estimate, the effects of the pandemic-driven downturn will cause “chronic homelessness” to increase by 68% in California and by 86% in Los Angeles County over the next four years.⁴

The most troubling aspect of this crisis is the fact that persons experiencing homelessness are at particular risk of death, injury, and disease. In Los Angeles County, deaths among

persons experiencing homelessness have been on the rise every year since 2014, skyrocketing from 630 in 2014 to 1,267 in 2019.⁵ Preliminary estimates for last year predict another grim milestone for Los Angeles County, with deaths among persons experiencing homelessness up over 26% through July 2020.⁶ Orange County has been on a similar trajectory, with 330 persons experiencing homelessness dying in 2020, up from just over 200 the year before.⁷ And in San Francisco, deaths among persons experiencing homelessness jumped by 123% in 2020, from 91 persons between January and September 2019 to 203 persons between January through September 2020.⁸

For those living on the streets, trapped in encampments, violence and anarchy reign supreme. In San Francisco's Tenderloin District, violent crime is up 24% with the number of tents packing the streets rising from 173 on March 13, 2020, to 416 in early June 2020.⁹ Drug dealing and use continues unabated to such a degree that there have been reports of “line[s] of people stretch[ing] down” the streets of San Francisco in what looks “like a soup kitchen line,” but which in reality is a line to acquire narcotics.¹⁰ Indeed, “[i]n the Tenderloin, SOMA, and Mid-Market neighborhoods, the homeless congregate in open-air drug markets; dealers wear gloves and masks and sell heroin, fentanyl, and methamphetamine in broad daylight.”¹¹ Residential neighborhoods have not been spared: “longtime residents describe the environment as ‘apocalyptic,’ with encampments, trash, and drug havens in every corner.”¹²

Los Angeles is no different. In the Skid Row neighborhood of downtown Los Angeles “street gangs from South Los Angeles . . . control the markets for meth, heroin, prostitution, cigarettes, and stolen goods.”¹³ This is lucrative business: “the sales of meth, heroin, and cocaine on Skid Row add up to a \$200 million annual enterprise, fueling a massive black market in everything from stolen bicycle parts to human organs.”¹⁴ As a consequence of this criminal activity, crimes *against* persons experiencing homelessness in Los Angeles increased by 24% in 2019, with a 19% increase in serious violent crime, including homicide, rape, robbery, aggravated assault, burglary, motor vehicle theft, larceny-theft, and arson.¹⁵ In Los Angeles in 2020, “fires related to homeless [we]re up 82% over the last year,” with many of the fires attributable to arson being committed by one person experiencing homelessness against the tent of another, often due to disputes over money and drugs.¹⁶

The encampments in which many unhoused persons reside have also contributed to a burgeoning public-health crisis, serving as incubators for diseases such as typhus, typhoid fever, and tuberculosis.¹⁷ In Los Angeles, mountains of trash, rotting food, and human waste around encampments have contributed to a rodent infestation that, in turn, has precipitated a sharp rise

in flea-borne typhus—up from eighteen cases in 2009 to 174 in 2018.¹⁸ These problems have only gotten more severe in recent months, as the Los Angeles City Sanitation Department has reportedly ceased conducting regular cleanups of encampments due to the coronavirus pandemic, and “[t]he result is that some city streets are littered with months of uncollected trash that’s not only attracting rodents and fleas—a longstanding problem—but now maggots are covering some sidewalks and entering buildings.”¹⁹

These public-health problems are not unique to Los Angeles. In Orange County, a February 2018 clean-up of a two mile-long encampment along the Santa Ana River that hosted more than 700 people uncovered “404 tons of debris, 13,950 needles, and 5,279 pounds of waste,” including human waste, propane, and pesticides.²⁰ And in San Francisco, hundreds of thousands of used needles litter the city’s streets—“164,264 needles [were recovered] in August [2018] alone.”²¹ Along with these syringes, so much human waste has accumulated on the streets that the city has established a “proactive human waste” unit to clean it up daily, appropriating over \$830,977 to tackle the city’s “feces problem.”²²

Local residents, business owners, and visitors have not been spared from the chaos on the streets. During 2020, the number of encampments swelled throughout Los Angeles, popping up everywhere from empty parking lots to freeway overpasses, from beaches to golf courses.²³ Residents who live near these encampments complain about a proliferation of trash, drug use, and tents.²⁴ One business owner complained about individuals tapping into his restaurant’s water and electricity supply.²⁵ A local resident reported observing a woman who routinely fights with her boyfriend in public while naked.²⁶ A local homeowner has likewise described “several incidents when I am afraid to leave my home” including an “incident with someone very high and mentally unstable on my driveway when I came home from grocery shopping that I was afraid to get out of my car and unload my groceries into my OWN HOME.”²⁷ That resident stated that, as a consequence of this conduct, “I fear for my life.”²⁸

Still another resident described an encounter with an individual who threatened to kill her and then went “on a spree and smash[ed] the windows, hoods, and roofs of at least half a dozen cars—with his body.”²⁹ Yet another said that “her 14-pound dog was attacked by a resident’s much larger dog as they walked past [a] shelter entrance.”³⁰ And conditions have deteriorated so much on the world-famous Venice Beach boardwalk that the owner of a Ben and Jerry’s ice cream shop has decided to close the business due to the proliferation of drugs

and crime, which make it impossible to attract customers or to provide a safe work site for employees.³¹

III. LEGAL IMPEDIMENTS TO CHANGE

The crisis of homelessness afflicting cities throughout California is complex, multifaceted, and has no quick fixes. But the legal impediments currently in place operate only to entrench the status quo and hinder necessary change. Sadly, this status quo is in large part the product of a self-inflicted wound, as municipalities—most notably Los Angeles—have capitulated to lawsuits designed to restrict their ability to enforce basic public safety laws. Indeed, over the past two decades, a combination of lawsuits, court decisions, and subsequent legal settlements have effectively created a de facto constitutional right to camp in public spaces and to store in that encampment unlimited amounts of personal property. This web of legal precedents and settlements has created municipal paralysis, leaving California’s local governments unable or unwilling to act and resulting in the abandonments of large swaths of cities to encampments that breed violence, crime, and disease.

A. *Jones v. City of Los Angeles*: Constitutionalizing the Right to Public Camping in Los Angeles

The story begins in 2006 with *Jones v. City of Los Angeles*.³² In *Jones*, six persons experiencing homelessness sued the City of Los Angeles, alleging that the City’s enforcement of municipal ordinances prohibiting “sit[ting], l[y]ing, or sleep[ing] in or upon any street, sidewalk or other public way” violated the Eighth Amendment of the United States Constitution, which prohibits “Cruel and Unusual Punishment.”³³ The United States District Court for the Central District of California granted Los Angeles’s motion for summary judgment, reasoning that enforcement of this commonplace municipal ordinance did not violate the Eighth Amendment because the ordinance penalized the plaintiffs for their “conduct,” not for the “status” of being homeless, as the plaintiffs had argued.³⁴

But in a first-of-its-kind opinion, the United States Court of Appeals for the Ninth Circuit reversed the district court’s decision.³⁵ Over a dissent, the panel majority held that “so long as there is a greater number of homeless individuals in Los Angeles than the number of available [shelter] beds, the City may not enforce” its public-camping ordinance “at all times and places throughout the City against homeless individuals for involuntarily sitting, lying, and sleeping in public.”³⁶ The court reasoned that persons experiencing homelessness “are in a chronic state that may have been acquired ‘innocently or involuntarily’” and that “sitting, lying, and sleeping . . . are universal and unavoidable consequences of being human.”³⁷ As

a result, the Ninth Circuit held, because “human beings are biologically compelled to rest,” “criminalizing sitting, lying, and sleeping . . . criminaliz[es]” the plaintiffs’ “status as homeless individuals.”³⁸ Accordingly, the court held that the Eighth Amendment prohibits the State both from “making it an offense to be idle, indigent, or homeless in public spaces” and “criminaliz[ing] conduct that is an unavoidable consequence of being homeless—namely sitting, lying, or sleeping on the streets of Los Angeles’s Skid Row.”³⁹

The *Jones* decision portended a sea change in the law for cities within the Ninth Circuit’s jurisdiction, most of which have had public-camping ordinances on the books for decades with nary a concern about their constitutionality. The broad rationale of the Ninth Circuit’s decision would have likely swept each of these ordinances off the books, but for the fact the parties in *Jones* entered into a settlement agreement following the Ninth Circuit’s decision, which resulted in the Ninth Circuit vacating its decision in *Jones*.⁴⁰ While the Ninth Circuit’s order vacating its opinion in *Jones* meant that cities throughout the Ninth Circuit would no longer be bound by the court’s sweeping and unprecedented decision, Los Angeles, as party to the settlement, would be. The settlement agreement essentially bound Los Angeles to the core holding of the *Jones* opinion. Indeed, the City agreed that it would not enforce its public-camping ordinance between the hours of 9:00 p.m. and 6:00 a.m.⁴¹ And the City further promised that this policy of nightly non-enforcement would remain in effect until the City constructed an additional 1,250 units of permanent supportive housing for persons experiencing homelessness.⁴² Thus, following the *Jones* settlement, the Ninth Circuit’s holding that cities may not prohibit public camping effectively became the law, at least in Los Angeles.

B. *Lavan & Mitchell*: Establishing a Constitutional Right to Store Property in Public Spaces

Whereas the *Jones* case achieved, in effect, the establishment of a de facto constitutional right to camp in public spaces—albeit only in Los Angeles and only through a court-approved settlement agreement—the next constitutional frontier was fast approaching. The epicenter of this litigation was, again, Los Angeles. In *Lavan v. City of Los Angeles*, eight persons experiencing homelessness sued the City of Los Angeles alleging that the City’s seizure and destruction of their personal property, left unattended in public areas, violated their Fourth Amendment right to be free of unreasonable searches and seizures and their Fourteenth Amendment “procedural due process” rights.⁴³ The district court agreed with the plaintiffs and issued an injunction prohibiting the City from (a) seizing property in Skid Row “absent an objectively reasonable belief

that it is abandoned, presents an immediate threat to public health and safety, or is evidence of a crime, or contraband” and (b) “destr[oying] [such] seized property without maintaining it in a secure location for a period of less than 90 days,” “[a]bsent an immediate threat to public health or safety.”⁴⁴

Over a dissenting opinion, the Ninth Circuit affirmed. The panel refused to apply the Fourth Amendment’s traditional “reasonable expectation of privacy” test and instead held that “by seizing and destroying [Plaintiffs’] unabandoned legal papers, shelters, and personal effects, the City meaningfully interfered with [Plaintiffs’] possessory interests in that property.”⁴⁵ To avoid the question whether it was reasonable for the City to *seize* items left unattended on the street, the court collapsed the inquiry and concluded that “even if the seizure of the property would have been deemed reasonable had the City held it for return to its owner instead of immediately destroying it, the City’s destruction of the property rendered the seizure unreasonable.”⁴⁶ The court further held that “homeless persons’ unabandoned possessions are ‘property’ within the meaning of the Fourteenth Amendment,” and that the City violated the plaintiffs’ Fourteenth Amendment procedural due process rights by failing to provide them with “notice” and an “opportunity to be heard” before it “seized and destroyed their property.”⁴⁷

While the court in *Lavan* was careful to disclaim the notion that the case “concern[ed] any purported right to use public sidewalks as personal storage facilities,”⁴⁸ litigants and lower courts did not see it that way. Four years later, four plaintiffs sued the City of Los Angeles, alleging that the City had been engaged in a pattern and practice of unconstitutionally seizing their property incident to arrest in violation of the Fourth and Fourteenth Amendments.⁴⁹ The district court agreed, applied *Lavan*, and issued a preliminary injunction enjoining the City from “[c]onfiscating property in Skid Row or its surrounding areas, incident to an arrest or as part of a cleanup of an area where homeless people are located, absent an objectively reasonable belief that it is abandoned, presents an immediate threat to public health or safety, is evidence of a crime, or is contraband.”⁵⁰

The City subsequently filed a motion for clarification, seeking further guidance from the district court on the scope of its injunction. In particular, the City sought clarity as to whether the injunction prohibited the City from seizing “bulky items”—such as sofas, appliances, and sheds—that were left unattended on the streets, given that a recent amendment to the Los Angeles Municipal Code specifically authorized the City to seize and destroy such items.⁵¹ The court “determined that it need not provide clarification” on that issue but went on to state that “[t]here is no exception [in its injunction] for bulky items” and if

a bulky item “does not pose” an “immediate threat to public health or safety” “then it must not be seized.”⁵²

Thereafter, Los Angeles settled *Mitchell*. Through the May 2019 settlement agreement, the City promised that, for a three-year period, it would not “seize property as part of a cleanup of an area where homeless people’s property is located, absent an objectively reasonable belief that it is abandoned, presents an immediate threat to public health or safety, is evidence of a crime, or is contraband.”⁵³ The City further agreed that it would provide “at least 24 hours advance notice” of any encampment clean up and then “provide a 30-minute warning and opportunity for individuals to remove property when a cleanup is imminent on any block about to be cleaned.”⁵⁴ As the Los Angeles Times summarized, as a result of this settlement persons experiencing homelessness “now have the right to keep a nearly unlimited amount of possessions with them on the sidewalks of skid row.”⁵⁵

C. *Martin*: The Return of Jones

While the effects of *Jones* and *Mitchell* settlements may have been cabined to Los Angeles, it would not stay that way for long. In *Martin v. City of Boise*, six persons experiencing homelessness sued the City of Boise, Idaho, alleging that their citations under Boise’s public-camping ordinances violated the Eighth Amendment’s Cruel and Unusual Punishment Clause.⁵⁶ The United States District Court for the District of Idaho granted the City of Boise’s motion for summary judgment on jurisdictional grounds, holding that the plaintiffs lacked standing to pursue these Eighth Amendment claims.⁵⁷

But the Ninth Circuit reversed. After disposing of the standing issue, the panel proceeded to the merits of the plaintiffs’ Eighth Amendment claim—even though it was not addressed by the district court in the first instance. Expressly invoking the since-vacated *Jones* decision, the court held: “we agree with *Jones*’s reasoning and central conclusion . . . and so hold that an ordinance violates the Eighth Amendment insofar as it imposes criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter is available to them.”⁵⁸ From a smattering of plurality, concurring, and dissenting opinions in a 1960s United States Supreme Court case, the Ninth Circuit distilled the principle that “the Eighth Amendment prohibits the state from punishing an involuntary act or condition if it is the unavoidable consequence of one’s status or being.”⁵⁹ The Ninth Circuit reasoned that sleeping, lying, and sitting in public “is involuntary and inseparable from status—they are one and the same, given that human beings are biologically compelled to rest, whether by sitting, lying, or sleeping.”⁶⁰

Apparently recognizing the startling breadth of the legal principle just announced, the Ninth Circuit immediately set to work trying to cabin its holding. Declaring that its “holding is a narrow one,” the court stated that it was “in no way dictat[ing] to the city that it must provide sufficient shelter for the homeless, or allow anyone who wishes to sit, lie, or sleep on the streets . . . at any time and at any place.”⁶¹ The court further explained in a footnote that its holding “does not cover individuals who *do* have access to adequate temporary shelter, whether because they have the means to pay for it or because it is realistically available to them for free, but who choose not to use it.”⁶² And in that same footnote the court stated that it did not mean to “suggest that a jurisdiction with insufficient shelter can *never* criminalize the act of sleeping outside,” noting that “[e]ven where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside *at particular times or in particular locations* might well be constitutionally permissible,” along with “an ordinance barring the obstruction of public rights of way or the erection of certain structures.”⁶³ Instead, the court claimed that it “[h]eld only” that “as long as there is no option of sleeping indoors, the government cannot criminalize indigent homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.”⁶⁴

Following the panel’s decision, the City of Boise filed a petition for rehearing *en banc* asking the full Ninth Circuit to rehear the case, but that petition was denied over two separate dissents. The principal dissent, authored by Judge Milan D. Smith and joined by five other judges, explained that the panel’s decision “conflicts with reasoning underlying the decisions of other appellate courts” that have rejected Eighth Amendment challenges to laws banning similar purportedly involuntary conduct.⁶⁵ Judge Smith’s dissent also emphasized the consequences of the court’s decision, which “leaves cities with a Hobson’s choice: They must either undertake an overwhelming financial responsibility to provide housing for or count the number of homeless individuals within their jurisdiction every night, or abandon enforcement of a host of laws regulating public health and safety.”⁶⁶ But as Judge Smith explained, this choice is illusory: “Given the daily fluctuations in the homeless population, the panel’s opinion would require this labor-intensive task be done every single day,” which is “impossible” since even with thousands of volunteers devoting countless hours, it still takes three days to perform an annual count in Los Angeles—and even then “not everybody really gets counted.”⁶⁷

Following the Ninth Circuit’s refusal to rehear the case, the City of Boise sought review in the United States Supreme Court. In addition to pointing out that the Ninth Circuit’s decision was inconsistent with the decisions of other federal courts of appeals and a decision from the California Supreme Court, the City

explained how the Ninth Circuit's decision, if left undisturbed, would undermine the ability of state and local governments to protect public health and safety and would be unworkable in practice.⁶⁸ The City's petition for certiorari was supported by a diverse range of amici, including seven states, forty-one cities and counties from California, eight municipal, county, or regional organizations collectively representing tens of thousands of cities, towns, and counties, five law enforcement groups, three homelessness services providers, and eleven business groups.⁶⁹ According to the *New York Times*, the twenty amicus briefs supporting the City's certiorari petition "may have set a record for the number of such filings at this stage of a Supreme Court case."⁷⁰ Yet on December 16, 2019, the Supreme Court denied the City of Boise's certiorari petition without comment.⁷¹

IV. A PATH FORWARD

In the wake of the U.S. Supreme Court's refusal to hear *Martin v. City of Boise*, many cities, feeling as if they have little choice in the matter, have simply given up enforcement of their public-camping ordinances, with some going so far as establishing *city-sanctioned* encampments.⁷² This is not the answer. A policy of non-enforcement is precisely what has led to—and exacerbated—the ever-worsening conditions on city streets throughout California. And what is truly cruel and unusual is consigning those experiencing homelessness to living in dangerous encampments under the misguided notion that the U.S. Constitution *requires* cities to stand on the sidelines, powerless to address their unchecked growth and the dangerous conditions that have arisen around them.

While the homelessness crisis is undoubtedly a multivariate problem—implicating issues of housing,⁷³ mental illness,⁷⁴ and addiction⁷⁵—to break the legal paralysis and ensure that city streets are safe and sanitary for all, enforcement of longstanding municipal laws regulating public health and safety must be part of the equation. After all, it is axiomatic that the law has both "direct" and "indirect" effects on the behavior of those subject to it, shaping their conduct accordingly.⁷⁶ The current state of affairs perfectly illustrates this principle, with the erosion of the social contract in our cities dovetailing with the non-enforcement of municipal law.⁷⁷ It is no answer to say that encampments should be permitted under some flawed conception of "liberty." The statistics described above paint a clear picture: the unhoused living in encampments stare down death, violence, and disease on a daily basis.⁷⁸

Importantly, the *Martin* decision does not stand in the way of local governments taking concrete and meaningful steps to restore safe, clean public spaces to their cities, while at the same time protecting the rights of all citizens. Indeed, the

Ninth Circuit in *Martin* took pains to emphasize that local governments may enforce ordinances "prohibiting sitting, lying, or sleeping outside *at particular times or in particular locations*."⁷⁹ The same is true, the court noted, of "an ordinance barring the obstruction of public rights of way or the erection of certain structures."⁸⁰ Likewise, where an individual does "have access to adequate temporary shelter . . . but . . . choose[s] not to use it," ordinances regulating public camping may be enforced.⁸¹ Furthermore, *Martin* concerned only the constitutionality of ordinances imposing *criminal* penalties, such as misdemeanors; it says nothing about the constitutionality of ordinances imposing civil penalties for public camping.⁸² Accordingly, post-*Martin*, local governments can and should rely on time, manner, and place restrictions to regulate and contain the explosive growth of encampments. Moreover, there is nothing in *Martin* that prevents local governments from distinguishing between camping and other illegal conduct, such as drug dealing, assaults, theft, pollution, and other violent criminal activity when seeking to enforce the law. With *Martin* on the books, municipal governments should be *more* vigilant than ever in policing and prosecuting such conduct to secure the public health and safety. A failure of enforcement under these circumstances cannot be laid at the feet of the Ninth Circuit's decision in *Martin*; the responsibility lies solely with elected officials.

To be sure, any ordinance should be carefully crafted and narrowly tailored with the advice of counsel. And municipalities should be prepared to defend those ordinances in court against a constitutional challenge. But local governments should not be hamstrung by the Ninth Circuit's decision in *Martin*, which styled itself as a modest and "narrow" decision that merely declared unconstitutional a broadly-worded ordinance attaching criminal penalties to unauthorized public camping. Some cities have already recognized this. In San Rafael, California, for instance, the City has observed that the *Martin* decision does not forbid cities from regulating encampments through time, manner, and place restrictions.⁸³ So too has the City of Arcadia, which has signaled an intent to update its public-camping laws to "identify allowable places, times, and manners for involuntary camping."⁸⁴

Federal district courts have also recognized the limits of the *Martin* decision. In *Young v. City of Los Angeles*, for example, the court rejected a plaintiff's argument that he had stated an Eighth Amendment claim under *Martin* based on the allegation that "the City had been depriving him of his right to sleep on public streets in Los Angeles for the past three years by taking down encampments and forcing him to move."⁸⁵ The court explained that, under *Martin* "the Eighth Amendment only bars the City from criminally prosecuting Plaintiff for sleeping on public streets when he has no other place to go to" and that

“[c]ourts following *Martin* have declined to expand its holding beyond the criminalization of homelessness.”⁸⁶ While the plaintiff alleged that “officers have written false tickets or reports regarding Plaintiff failing to take down a tent or that Plaintiff was loitering,” such allegations were insufficient because “Plaintiff does not allege he was criminally prosecuted or sanctioned based on these false tickets or reports.”⁸⁷ Furthermore, the court added that “it is all not clear whether the laws these citations were based on would be barred by the Eighth Amendment because an ordinance that prohibits tenting or loitering at particular times or particular locations may be permissible.”⁸⁸

Young is not an outlier. Other federal district courts in California are in agreement about the limited scope of *Martin*. For example, in *Le Van Hung v. Schaaf*, a district court in the Northern District of California held that the City of Oakland did not run afoul of *Martin* by “clean[ing] and clear[ing]” a park where an encampment was located.⁸⁹ The court noted that cleaning and clearing a park did not require the City to arrest the plaintiffs, and “while *Martin* limits localities’ ability to arrest their homeless residents for the act of living in the streets when there is nowhere else for them to go, it does [not] create a right for homeless residents to occupy indefinitely any public space of their choosing.”⁹⁰

Similarly, in *Housing is a Human Right Orange County v. County of Orange*, a district court in the Central District of California held that the City of San Clemente could not be held to have violated *Martin* based upon the allegation that its officers threatened persons experiencing homelessness with arrest.⁹¹ Mere threats were insufficient: the *Martin* decision “require[s] the initiation of the criminal process to state a claim for damages for an Eighth Amendment violation.”⁹² And in *Mahoney v. City of Sacramento*, a district court in the Eastern District of California held that Sacramento did not violate *Martin* by removing a portable toilet from an encampment, reasoning that “it is not a necessary corollary that the same right” to “engag[e] in involuntary, life-sustaining actions on public property” is at issue with respect to “the removal of [a] portable toilet.”⁹³

As the foregoing authorities indicate, local governments should not retreat from enforcement of municipal law in the wake of *Martin*. Nor does *Martin* mean that cities should capitulate in the face of setbacks during litigation, as the City of Los Angeles arguably did in *Jones* and *Mitchell*. In addition to entrenching and exacerbating the status quo, these settlements have operated in practice to blur accountability by “providing politicians some cover for their lack of solutions, [and] allowing them to ‘hide behind a federal judge.’”⁹⁴ But the public must be able to hold elected officials accountable at the ballot box, and the pattern of

litigation followed by settlement simply allows elected officials to pass the buck by laying the blame for inaction on the federal courts. There should be no such excuses after *Martin*. After all, federal district courts in California have taken the Ninth Circuit at its word and interpreted *Martin* narrowly, affording the government ample room to manage the homelessness crisis. And *Martin* certainly provides no grounds for local governments to abdicate their responsibility to vigorously enforce the portions of its criminal and civil code outlawing violent crime, drug dealing and use, and conduct creating environmental or other public health hazards. To be sure, the *Martin* decision is likely to be wielded by some to thwart city efforts to tackle the complex issue of homelessness.⁹⁵ But as post-*Martin* decisions indicate, local governments may find an ally in California’s federal courts, and they should not shrink from their duties to protect the rights of all residents to have safe and sanitary public areas.

Endnotes

- 1 Theane Evangelis and Bradley J. Hamburger are appellate and general litigation partners in the Los Angeles office of Gibson, Dunn & Crutcher LLP. William F. Cole is an associate in the Los Angeles office of Gibson, Dunn & Crutcher LLP who practices in the Appellate and Constitutional Law practice group. Ms. Evangelis, Mr. Hamburger, and Mr. Cole were counsel to the City of Boise in the United States Supreme Court in *Martin v. City of Boise*.
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From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: Infertility
Date: Saturday, November 5, 2022 11:30:41 PM

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From: [City Council](#)
To: [Dollar, Sarah](#)
Subject: FW: Submission: City Council Contact Form
Date: Friday, November 4, 2022 3:11:07 PM
Attachments: [city letter re solar and leaf blowers.docx](#)

From: Mark [REDACTED]
Sent: Thursday, November 3, 2022 8:46 AM
To: City Council <council@cityofvancouver.us>
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City of Vancouver, Washington



City Council Contact Form

Submitted date: Thursday, November 3, 2022 - 8:45am

Contact Information

First name:

Mark

Last name:

Muenster

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98663

Inquiry Information

Subject:

Comment on an upcoming Council agenda item

Recipient:

All of Council

Message:

Please see attached letter.

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November 3, 2022

Vancouver City Council
Sent via email

RE: City's plan for reducing its carbon footprint

Dear Councilors:

Earlier this year, I sent a letter to the council regarding a proposal for a subsidy program for solar power collectors for homeowners. As a satisfied owner of a small solar array, I can vouch for the fact that it does significantly reduce my power bill, especially in the summer. Small scale solar electric generation would also be a great way for the City to attempt to meet its ambitious goals for carbon-footprint reduction in the short term. I hope the City will consider this program when it adopts its plan this fall.

Seattle City Light had a program in the 1980s to assist homeowners with some of the up-front costs of solar hot water systems, which was the predominant home solar model at the time. I know it was certainly a motivating factor in my decision to install solar hot water back then. The same would be true if the City would create a subsidy program to the installation of solar electricity generating panels. A side benefit would be increased business for Washington based panel manufacturers and local solar contractors.

Another idea the City should adopt to reduce its carbon footprint would be to phase out the use of 2 cycle gas engine leaf blowers and lawn trimmers. These devices are notorious for the amount of pollution their engines emit, and also because of the noise pollution factor. A phase out of these devices would aid the City's goal in reducing air pollution in the City. Electricity powered devices are readily available to take the place of these smoke belchers.

Sincerely yours,

Mark W. Muenster
Attorney at Law

From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#); [Harris, Rep. Paul](#)
Subject: Fwd: Homeland Security's 'Expansive' Censorship Plan + No Pandemic Amnesty + More
Date: Thursday, November 3, 2022 1:37:17 PM

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----- Forwarded message -----

From: **Wynn Grcich** <[REDACTED]>
Date: Thu, Nov 3, 2022 at 1:33 PM
Subject: Fwd: Homeland Security's 'Expansive' Censorship Plan + No Pandemic Amnesty + More
To:

Send this to the city councils and Dr. Melneck. I am sending this to Rep. Harris to know these jabs harm children. The need this jab and boosters off the school scheualing.
Please confirm my email and put it on public record, Please
Wynn

----- Forwarded message -----

From: **Children's Health Defense** <[REDACTED]>
Date: Wed, Nov 2, 2022 at 2:09 PM
Subject: Homeland Security's 'Expansive' Censorship Plan + No Pandemic Amnesty + More
To: Wynn Grcich <[REDACTED]>

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November 2, 2022



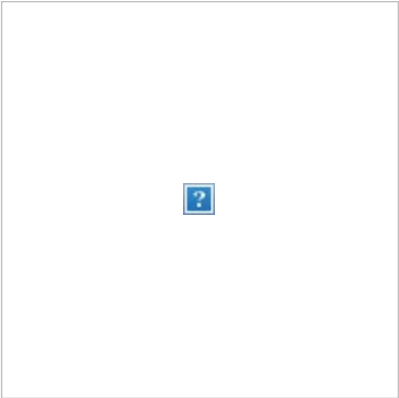
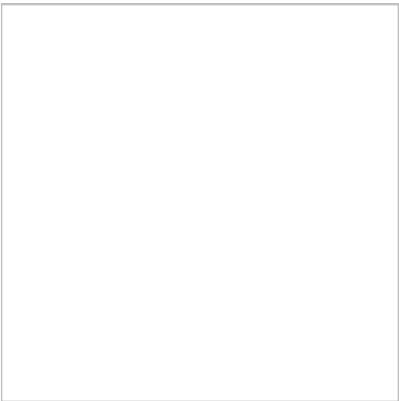


TOP NEWS OF THE DAY

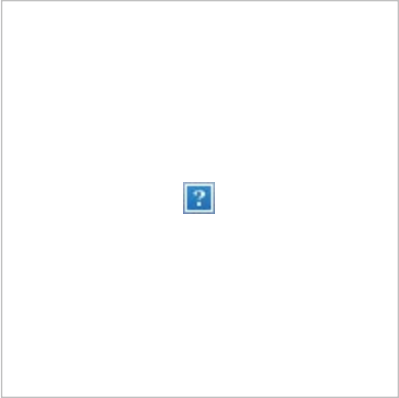


Leaked Documents Reveal Homeland Security's 'Expansive' Influence Over Social Media Censorship

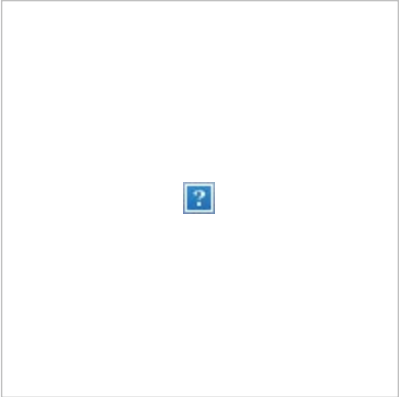
No 'Pandemic Amnesty,' We Want Accountability



4 Reasons the Official COVID Narrative Is Falling Apart



100,000+ Demand Global Moratorium on ‘Unlawful’ Surveillance Technology



Pfizer Announces 400% Increase in COVID Vaccines on Same Day CDC Adds COVID Shots to Childhood Schedule



‘Tripledemic’ Fear Porn + Inhalable Vaccines Coming Soon: ‘This Week’ With Mary + Polly



Heart Inflammation Risk in Children Elevated After Pfizer’s COVID Vaccine: Study + More



DC Council Votes to Delay Students’ Coronavirus Vaccine Requirement + More

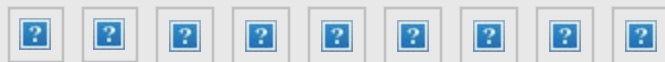
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Children's Health Defense depends on generous donations from our community. Large or small, every donation gets us closer to achieving our goals.

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Work for CHD



Children's Health Defense | ChildrensHealthDefense.org

Our mission is to end childhood health epidemics by working aggressively to eliminate harmful exposures, hold those responsible accountable, and establish safeguards to prevent future harm.

Children's Health Defense

852 Franklin Ave., Suite 511
Franklin Lakes, New Jersey 07417

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From: [City Council](#)
To: [Dollar, Sarah](#)
Subject: FW: Letter: Consider options for downtown
Date: Thursday, November 3, 2022 8:09:45 AM

From: Jean M. Avery <[REDACTED]>
Sent: Wednesday, November 2, 2022 6:52 AM
To: City Council <council@cityofvancouver.us>
Subject: Letter: Consider options for downtown

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<https://clbn.us/VuZU9>

I agree with this writer: Please consider other options for downtown Vancouver (besides a Stay Safe shelter).

An arts/community center would be a wonderful asset to our downtown.

Jean M. Avery
Vancouver

From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: ban Round up in Clark County and Vancouver
Date: Thursday, November 3, 2022 12:19:29 AM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I had asked Clark County to Ban Round Up.
Send this half of the article to the councils.

Give this to all council members and Dr. Melneck. Confirm you got this email.
Wynn Grcich

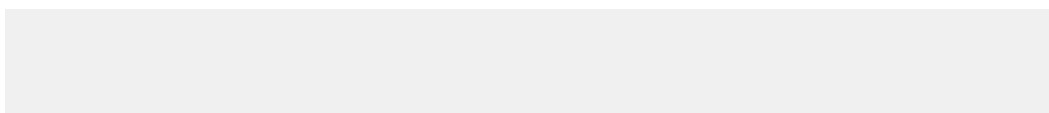
Monsanto to Pay \$275 Million for Children's Brain Damage

Analysis by [Dr. Joseph Mercola](#) [Fact Checked](#)

November 03, 2022

[Previous](#)

[Next](#)



STORY
AT-A-

monsanto to pay 275 million for brain damage



GLANCE

A Washington court recently awarded 13 adults and children \$275 million for neurological damage caused by PCBs produced by Monsanto; in total there are 200 students, parents and teachers filing suit for physical damage

Before Monsanto voluntarily stopped using them in 1977, there were an estimated 1.5 billion pounds of PCBs produced and used; exposure has also been linked to diabetes, liver toxicity, cancer and deficits in neurological and immune system function

The herbicide Roundup is Monsanto's flagship product, the active ingredient in which is glyphosate. The industrial chemical changes the soil microbiome by killing beneficial bacteria and promoting soil pathogens

The altered soil microbiome negatively impacts the nutrient value of crops. Glyphosate in plants can alter the human gut microbiome, and increases in use are well correlated with an increase in breast cancer, pancreatic cancer, kidney cancer, thyroid cancer, liver cancer, bladder cancer and myeloid leukemia

Monsanto, now owned by Bayer, is best known for its flagship product Roundup,¹ the active ingredient in which is glyphosate. Monsanto-Bayer has been the defendant in thousands of cases alleging Roundup caused the plaintiffs' cancers. However, the most recent personal injury lawsuit verdict addressed the release of polychlorinated biphenyls (PCBs) from fluorescent light ballasts produced by the company.²

According to the National Ocean Service,³ production of these chemicals began in the 1920s with an estimated 1.5 billion pounds used in products such as television sets, refrigerators or other electrical appliances until 1977, when Monsanto voluntarily stopped using them in the U.S. after the chemical had been studied and the consequences understood. Before then it was also used to spray dirt on the road to reduce dust.

Chemically, some PCBs can degrade in the environment, but the speed of the breakdown depends on each product's chemical makeup and the conditions where it's found. Typically, PCBs require sunlight or soil microorganisms to break down.

According to the CDC,⁴ the chemicals are known to cause harmful effects. However, the CDC lists health conditions such as acne and rashes, and suggests it could trigger gastrointestinal discomfort, depression, fatigue or irritation to the nose and lungs.

According to a paper in Environmental Health Perspectives,⁵ studies began emerging in the 1960s that confirmed PCBs contaminated the environment and had a negative impact on human health. In addition to skin conditions listed by the CDC, exposure has also been linked to diabetes, liver toxicity, cancer, and deficits in neurological and immune system function.

\$275 Million Verdict Against Monsanto —

PCB Contact at School

The story of the latest lawsuit filed by the parents and children of Sky Valley School in Monroe County begins with the Bayer pharmaceutical company, best known for making Bayer aspirin.⁶ Today, it's one of the largest corporations in the world, having posted revenue of \$41 billion in 2017, despite lawsuits at the time that were filed for device injury and drug problems.

In June 2018, Bayer completed the acquisition of Monsanto,⁷ creator and producer of the glyphosate-based herbicide Roundup. However, Monsanto didn't just produce the herbicide and genetically modified Roundup-ready seed. Before they started into agriculture products, they also manufactured styrene, an ingredient in the production of synthetic rubber, during World War II.⁸

The recent lawsuit was the fourth in a series alleging that PCBs released by products manufactured by Monsanto and installed in Sky Valley School caused neurological damage in six adults and seven children. The court awarded \$275 million for their exposure, which included \$55 million for compensation and \$220 million in punitive damages. In a statement, Bayer announced they would challenge the verdict, saying:⁹

"We respectfully disagree with the divided jury verdict reached in this 13-plaintiff case and plan to pursue post-trial motions and appeals based on multiple errors and the lack of proof at trial."

Although Bayer claims there was a lack of proof and there were errors in the trial, three past trials alleging the same damage also found against Monsanto for the plaintiffs. According to the Seattle Times,¹⁰ an additional 16 personal injury lawsuits are awaiting trial from the same school and alleging that exposure to PCB caused injuries.

In total, there have been more than 200 students, teachers,

and parents from the education center that have sued over the contamination. The plaintiffs claim that PCBs cause neurological problems, cancer, hormonal diseases, skin lesions and other illnesses.

The court commonly awards compensatory damages to help the plaintiffs pay for economic and non-economic damages. Washington state often does not award punitive damages, which can be levied against a defendant when the actions are particularly malicious or intentional.

However, the plaintiff's attorneys argued that Monsanto is headquartered in Missouri, and while the lawsuit was in Washington the laws of Missouri applied to this personal injury case. Rick Friedman, an attorney representing the Sky Valley plaintiffs, told the Seattle Times:¹¹

"PCBs are a systemic poison, which means they attack all the bodily systems. Everybody had different exposures, because it was a constantly changing environment. I think the different amounts reflect the various juries' assessments of how badly hurt each person is."

Cancer, Endocrine Disruption and More Are Monsanto's Legacy

By far, Monsanto is best known for their Roundup-ready seed and the herbicide. Health aside, there's evidence the weed killer is not nearly as effective as it used to be, due to its repetitive application on farm fields.¹² However, from the public health perspective, according to polls, the No. 1 reason¹³ that people spend the extra money for organic food is to avoid pesticide chemicals like glyphosate.

In 2015, glyphosate was identified by the International Agency for Research on Cancer (IARC) as a probable human carcinogen,¹⁴ yet despite its waning effectiveness in the fields, it continues to be the most heavily used pesticide in

agricultural history and data show that usage continues to grow.¹⁵

There is ample research to show that glyphosate harms health in a wide variety of ways. This research has also underpinned personal injury lawsuits against Monsanto, one of which ultimately awarded \$81 million to a couple who claimed exposure to the weed killer caused both to develop Non-Hodgkin lymphoma.¹⁶

In June 2022, the 9th Circuit Court of Appeals ruled¹⁷ that the EPA approval for glyphosate in 2020

From: [Wynn Grich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#); electmichellebelkot@gmail.com; Paul.Harris@leg.wa.gov
Subject: Clark County Today Published this today give to council members and Dr. Melneck
Date: Monday, October 24, 2022 3:54:47 PM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The ballots are out and they are due Nov. 8th. Before you give Rep Paul Harris your vote, **have him repeal his fluoridation bill HB 1684**. The **side effects** of drinking the poison sodium fluoride are: CANCER, crippling bone diseases, ADHD youths, Alzheimer's in adults, increase in Down Syndrome babies, and lowers IQs.

Buy water filters. Eat in restaurants with filtered water. Eat organic food, hopefully watered with well water and not sprayed with fluoridated pesticides. Tea and grapes have the most fluoride on them. Once again, buy organic.

A public hearing at the council chambers, for Rep. Paul Harris about his fluoridation bill, would be the best thing to do. Ask your councils to do this and Dr. Melnick, our so-called county doctor. We need to know why Harris' sudden interest in our teeth. Who lobbied him to write his fluoridation bill? Can Harris explain the side effects of drinking poison?

Why would anyone want to re-elect a person who would poison you and your family, until death. Drinking poison every day, all day long, does NOT prevent cavities. Low doses of poison are accumulative. Poisoned water affects and medications you are taking. Every pill you take is swallowed with poisoned water!

Fluoridation doubles breast cancer death rates. Chlorine causes breast cancer, bladder cancer, rectal cancer and reproduction malfunction. Adding poisonous fluoridation chemicals increase breast cancer death rates. I put on public record many water and health studies at Clark County Council and Vancouver city council.

Call Rep. Harris complain about his fluoridation bill 3360-786-7976. Email; PaulHarris@leg.wa.gov Ask Harris how drinking the poisonous ingredient in rat poison cures cavities?

Research and use critical thinking. **Portland doesn't fluoridate.**

www.fluoridealert.org. www.fluorideactionnetwork.org.
<http://www.advancedhealthplan.com/fluoride.html>

 [https://www.youtube.com > watch?v=ClqK7XvfLg0](https://www.youtube.com/watch?v=ClqK7XvfLg0)

[Dr. Dean Burk - Fluoride causes cancer - YouTube](#)

5.75K subscribers Dr. **Dean Burk** co-authored one of the most frequently cited papers in the history of biochemistry, "The Determination of Enzyme Dissociation Constants," published in the...

 [https://www.youtube.com > watch?v=L8AMCScE9dw](https://www.youtube.com/watch?v=L8AMCScE9dw)

[Dr. Dean Burk - Fluoride causes cancer - YouTube](https://www.youtube.com/watch?v=L8AMCScE9dw)

<http://systembreakdown.net> Dr. **Dean Burk** co-authored one of the most frequently cited papers in the history of biochemistry, "The Determination of Enzyme Diss...

 [https://www.bvtridandi.com > dr-russell-blaylock-fluorides-deadly-secret](https://www.bvtridandi.com/dr-russell-blaylock-fluorides-deadly-secret)

[Dr. Russell Blaylock - Fluoride's Deadly Secret](https://www.bvtridandi.com/dr-russell-blaylock-fluorides-deadly-secret)

Blaylock highlights how independent study after study has shown that **fluoride** increases cancer rates, increases bone disorders, which as **Blaylock** points out is a good way of increasing mortality rates amongst the elderly, and also leads to profound neurological disorders. **Blaylock** highlights the research of Phyllis Mullenix, Ph.D, who during ...

 [https://www.youtube.com > watch?v=WFpbwsITZtI](https://www.youtube.com/watch?v=WFpbwsITZtI)

[Blaylock: Fluoride's Deadly Secret \(Full Length • HD\) - YouTube](https://www.youtube.com/watch?v=WFpbwsITZtI)

Dr. Russell Blaylock M.D. is a retired neurosurgeon and author whose trailblazing research has tirelessly documented the fact that there is an epidemic of neurological disorders in the...

 [https://www.goodreads.com > videos > 11936-fluoride-s-deadly-secret](https://www.goodreads.com/videos/11936-fluoride-s-deadly-secret)

[Fluoride's Deadly Secret Video \(Author: Russell L. Blaylock\) - Goodreads](https://www.goodreads.com/videos/11936-fluoride-s-deadly-secret)

Dr. Russell Blaylock M.D. is a retired neurosurgeon and author whose trailblazing research has tirelessly documented the fact that there is an epidemic of neurological disorders in the western world which are directly connected to toxins in our environment, and how this relates to the larger global eugenics program behind population reduction.

 [https://envirocentersoco.org > updates > 2013 > 12 > setback-for-sonoma-county-fluoridation-plans](https://envirocentersoco.org/updates/2013/12/setback-for-sonoma-county-fluoridation-plans)

[Setback for Sonoma County fluoridation plans - Enviro Updates](https://envirocentersoco.org/updates/2013/12/setback-for-sonoma-county-fluoridation-plans)

In an unprecedented 5-0 City Council vote on November 12, Cotati joined a growing number of college towns including Davis, California, and Portland, Oregon, voting to keep **fluoridation** chemicals out of their water supply. Cotati is one of nine major cities and water districts supplied by the **Sonoma** County Water Agency SCWA.

My sister and I helped get fluoridation stopped in Sonoma, CA. It can be done!

With knowledge you have facts and power. Wisdom is knowing what to do with it. You can make Harris stop adding poison to our water, especially when he works for us! Or does he? Harris is asking for your vote.

From: [Wynn Gricich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#); Paul.Harris@leg.wa.gov
Subject: Fwd: REMINDER: TSCA Lawsuit Hearing on Wednesday
Date: Tuesday, October 25, 2022 11:52:46 PM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Give this to the county council and Vancouver council and Dr. MELNECK

----- Forwarded message -----

From: **Fluoride Action Network** [REDACTED] >
Date: Tue, Oct 25, 2022, 10:32 AM
Subject: REMINDER: TSCA Lawsuit Hearing on Wednesday
To: Wynn Gricich [REDACTED] >



Dear Friends,

IMPORTANT REMINDER: The next status hearing for our [federal TSCA lawsuit](#) against the US Environmental Protection Agency (EPA) to end the use of fluoridation chemicals will be held TOMORROW, on **Wednesday, October 26th at 3:30PM (US Pacific) / 6:30 (US Eastern)**.

Watch the trial live on Zoom:

<https://cand-uscourts.zoomgov.com/j/1619911861?pwd=TjVma1lnMIJINHR3ZE9QMkFjNkFndz09>

Webinar ID: 161 991 1861

Password: 912881

We're expecting this hearing to be more than an update from both parties. FAN's attorneys filed a motion asking the Court to take the case out of abeyance and either restart it with an abbreviated second trial to review the latest scientific studies, or to make a final ruling. We feel there is enough evidence available from the publicly available draft NTP reports and from other materials since the trial in June 2020 to complete the case and for the Court to render a decision. We're confident the evidence is also strongly in our favor, including from the NTP's review.

It's time for justice to be served, and we're hoping that Wednesday's hearing will bring us closer to that end.

Thank you for your continued support,

Stuart Cooper

Executive Director

[Fluoride Action Network](#)

[See all FAN bulletins online](#)

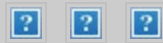
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Fluoride Action Network

Exeter, New Hampshire

info@fluoridealert.org

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From: [Delapena, Amanda](#)
To: [Dollar, Sarah](#)
Subject: FW: 34st Improvement Project
Date: Wednesday, October 26, 2022 9:14:36 AM

Hi Sarah,

This is regarding the 34st street mobility project on the agenda for Comms on 11/7. Written comment for Council consideration.

Amanda Delapena

From: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Sent: Monday, October 24, 2022 3:33 PM
To: City Council <council@cityofvancouver.us>
Subject: FW: 34st Improvement Project

Hello,

We received the following email in the CMO inbox. Please let us know if you would like us to forward elsewhere.

Thank you!

City Manager's Office
CITY OF VANCOUVER
P.O. Box 1995 • Vancouver, WA 98668-1995

P: 360.487.8600 | F: 360.487.8625
www.cityofvancouver.us

From: Sara Schmit [REDACTED]
Sent: Monday, October 24, 2022 1:09 PM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: 34st Improvement Project

You don't often get email from [REDACTED] [Learn why this is important](#)

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Hello, I wanted to make some comments on the 34st street project and wasn't sure if it has been addressed yet to the city council or when it will be in the future.

It is a common misconception that removing a lane of traffic increases congestion on roads like 34th st, In fact, data shows us removing a lane in favor of connectors to pedestrian, transit, and active mobility networks already in place reduces congestion and improves emergency vehicle response

times. Improvement made to 34th are said to only delay vehicle traffic 40 seconds at the intersections of 162nd and 192nd and this is if driver behavior does not change after the improvements are made. Most likely it will, as safer infrastructure will now be in place to accommodate the growing trend of active mobility users.

When I was arrested for driving while suspended I was couch hopping, staying with a friend in the St. Johns area of Vancouver and commuting to Camas for work. Without a vehicle, I moved in with another friend who lived at the Heritage Green apartments on 162nd and 34th st so I could “easily” walk to the Fisher’s Landing Transit Center and take the bus to Camas. Eventually I went back to school and attended both the Clark College Downtown campus and the Columbia Tech Center taking the bus from the Transit Center and walking from that corner. During this time I would almost be hit everyday crossing the road at 34th st and 162nd. This was 13 years ago and I can’t even begin to fathom what it is like now with what we know about decreased driver awareness and increased speed.

One of the greater points I’d like to make is that if I hadn’t been able to make this walk and ride the bus to my job, and ride the bus to school, and eventually cycle to those places, my already spiraling life at that time would have most likely gone completely down the drain. We cannot use transportation elitism, value speed over safety, and continue to put those transitioning out of poverty at risk.

There are residents that live in this neighborhood that do not agree with these changes. They see the removal of a lane as something that will increase congestion despite what data shows us about the positive effects of lane removal and increasing active mobility. I wonder if any of these residents are renters. This area is home to large apartment complexes that may include residents who live there because of their proximity to transit and active mobility options. There are homeowners who live there that want these changes as well. I respect everyone’s right to an opinion, but I don’t agree that just because you own a home in a high income neighborhood on a street that multiple users need access to for work and education, means your voice should be louder than others. Especially when it is more misinformed than the planners who utilized actual data.

I implore you as council members to recognize the need to approve this project for the greater good of everyone in the community.

Thank you

Sent from [Mail](#) for Windows

From: [Wynn Grcich](#)
Subject: Fwd: REMINDER: TSCA Lawsuit Hearing on Wednesday
Date: Wednesday, October 26, 2022 2:03:54 PM

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----- Forwarded message -----

From: **Wynn Grcich** <[REDACTED]>
Date: Wed, Oct 26, 2022 at 1:55 PM
Subject: Fwd: REMINDER: TSCA Lawsuit Hearing on Wednesday
To:

----- Forwarded message -----

From: **Wynn Grcich** <[REDACTED]>
Date: Tue, Oct 25, 2022 at 11:56 PM
Subject: Fwd: REMINDER: TSCA Lawsuit Hearing on Wednesday
To:

----- Forwarded message -----

From: **Wynn Grcich** <[REDACTED]>
Date: Tue, Oct 25, 2022, 11:52 PM
Subject: Fwd: REMINDER: TSCA Lawsuit Hearing on Wednesday
To: Dollar, Sarah <Sarah.Dollar@cityofvancouver.us>, Rebecca Messinger
<Rebecca.Messinger@clark.wa.gov>, <Paul.Harris@leg.wa.gov>

Give this to the county council and Vancouver council and Dr. MELNECK

----- Forwarded message -----

From: **Fluoride Action Network** <info@fluoridealert.org>
Date: Tue, Oct 25, 2022, 10:32 AM
Subject: REMINDER: TSCA Lawsuit Hearing on Wednesday
To: Wynn Grcich <[REDACTED]>



Dear Friends,

IMPORTANT REMINDER: The next status hearing for our [federal TSCA lawsuit](#) against the US Environmental Protection Agency (EPA) to end the use of fluoridation chemicals will be held TOMORROW, on **Wednesday, October 26th at 3:30PM (US Pacific) / 6:30 (US Eastern)**.

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[https://cand-uscourts.zoomgov.com/j/1619911861?
pwd=TjVma1lnMIJINHR3ZE9QMkFjNkFndz09](https://cand-uscourts.zoomgov.com/j/1619911861?pwd=TjVma1lnMIJINHR3ZE9QMkFjNkFndz09)

Webinar ID: 161 991 1861

Password: 912881

We're expecting this hearing to be more than an update from both parties. FAN's attorneys filed a motion asking the Court to take the case out of abeyance and either restart it with an abbreviated second trial to review the latest scientific studies, or to make a final ruling. We feel there is enough evidence available from the publicly available draft NTP reports and from other materials since the trial in June 2020 to complete the case and for the Court to render a decision. We're confident the evidence is also strongly in our favor, including from the NTP's review.

It's time for justice to be served, and we're hoping that Wednesday's hearing will bring us closer to that end.

Thank you for your continued support,

Stuart Cooper

Executive Director

[Fluoride Action Network](#)

[See all FAN bulletins online](#)

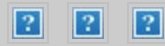
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Fluoride Action Network

Exeter, New Hampshire

info@fluoridealert.org

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From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: Watch "[LIMITED TIME ONLY [Ⓢ]]" Full Episode: What Are They Hiding?—Dr. Robert Malone on the Pfizer Documents" on YouTube
Date: Friday, October 28, 2022 9:50:33 AM

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<https://youtu.be/yZfBC6Pnblo>.

Send to councils and Dr. MELNECK

From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#); Paul.Harris@leg.wa.gov
Subject: Fwd: 45 Deaths Reported After New Boosters + Dr. Nass on Maine's 'Kangaroo Court' + More
Date: Friday, October 28, 2022 2:38:58 PM

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Give this to the councils and Dr. MELNECK. CONFIRM TO ME THAT YOU DID THIS.
please put thos on public record

----- Forwarded message -----

From: **Children's Health Defense** <team@childrenshealthdefense.org>
Date: Fri, Oct 28, 2022, 2:11 PM
Subject: 45 Deaths Reported After New Boosters + Dr. Nass on Maine's 'Kangaroo Court' + More
To: Wynn Grcich [REDACTED]

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October 28, 2022

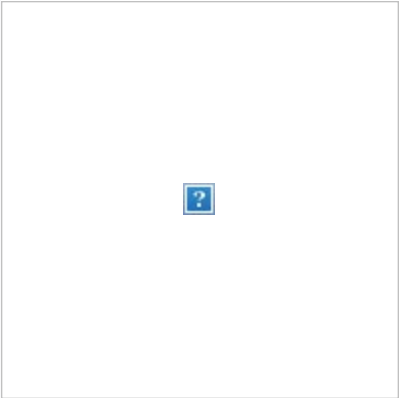
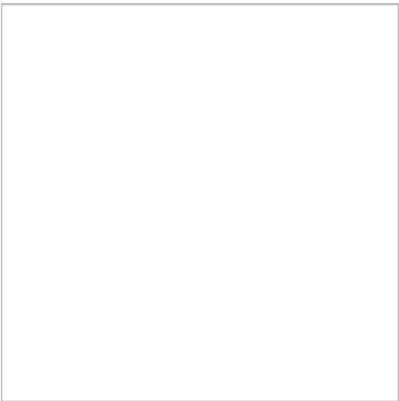


TOP NEWS OF THE DAY

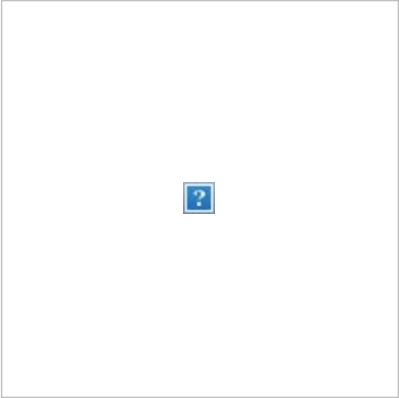


**45 Deaths, 5,000+ Adverse Events
Following Updated Booster Shots
Reported to VAERS, CDC Data Show**

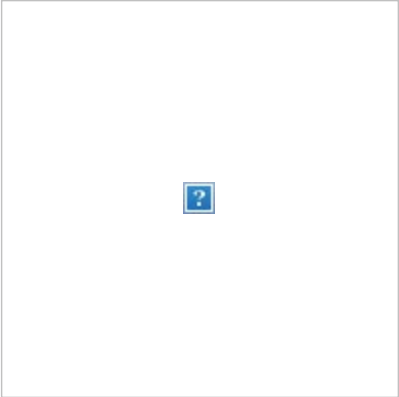
**Dr. Meryl Nass Compares Maine Medical
Board Hearings on Her Suspension to a
'Kangaroo Court'**



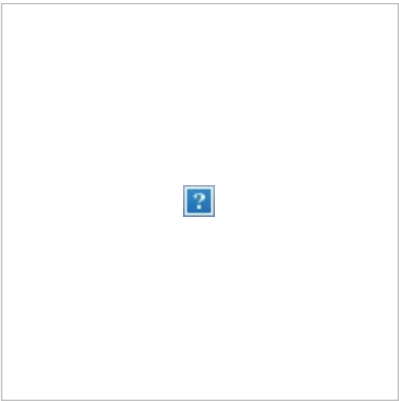
**Systemic Reactions to COVID Vaccines
Now Being Sold to Public as a ‘Feature’**



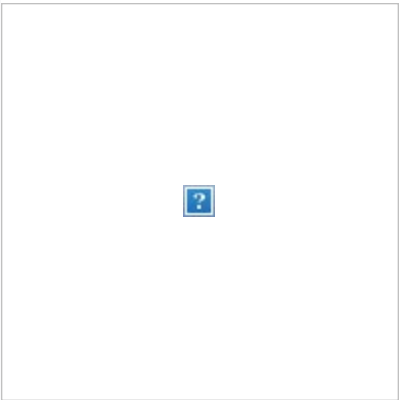
**CDC Used Same PR Firm as Pfizer,
Moderna — Prompting Demand for
Transparency**



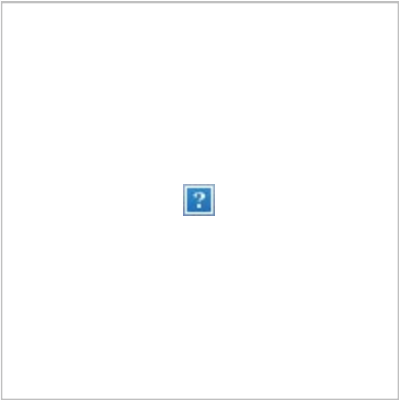
**‘Substantial Evidence’ COVID Virus
Escaped From Wuhan Lab**



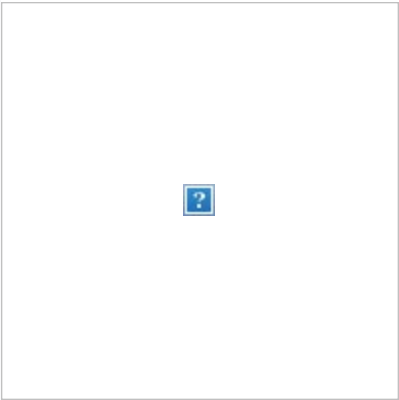
India Orders Farmers, Agrichemical Companies to Stop Using Glyphosate Weedkillers



Last Chance to Apply to CHD’s 2023 Fellowship Program



EU Regulator Recommends Adding Heavy Periods to Side Effects of mRNA COVID Shots + More



Buffalo Teens Killed in Car Crash Connected to TikTok Trend + More

You Make It Possible

Children's Health Defense depends on generous donations from our community. Large or small, every donation gets us closer to achieving our goals.

[Listen to what RFK, Jr. has to say.](#)

[Become a Member](#) | [Donate Now](#)

[Work for CHD](#)



Children's Health Defense |

From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#); electmichellebelkot@gmail.com
Subject: Fwd: Recent Fluoridation Related Accidents
Date: Sunday, October 30, 2022 4:10:34 PM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

From: 1955wgcg via PrintFriendly <no-reply@m.printfriendly.org>
Date: Sun, Oct 30, 2022 at 3:52 PM
Subject: Recent Fluoridation Related Accidents
To: <

Please send this to both city of Vancouver and county councils, plus Dr. Melneck. This kind of accidents could happen here.

You tube: [Dr Russell Blaylock Fluorides Deadly Secret Part](#)

776 views 11 years ago



[IntelCommunity](#)

See my channel for more IMPORTANT information !!! Dr. Russell Blaylock M.D. is a retired neurosurgeon and author whose . You Tube

1955wgcg@gmail.com sent you an article please confirm that you did this and have this on public record at the next council meetings, Wynn Grcich
Print out the fluoridation accidents for public record

Recent Fluoridation Related Accidents

2019 – Newport, Rhode Island A fluoridation chemical overfeed occurred, increasing fluoride levels in the public drinking water to at least 2.16mg/L; three times higher than the already excessive levels found in artificially fluoridated water. City and Water Department officials waited over a month to notify residents. 2019 – Sandy, Utah A snowstorm led to a fluoridation overfeed that...

[Read More](#) | [Print & PDF](#)

From: [Wynn Grich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: Fwd: FDA "Approved" Drugs Killed 273 people yesterday! (details inside)
Date: Monday, October 31, 2022 1:51:58 PM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

From: **Charlene & Ty @ TTAV** <info@thetruthaboutvaccines.com>
Date: Mon, Oct 31, 2022 at 8:17 AM
Subject: FDA "Approved" Drugs Killed 273 people yesterday! (details inside)
To: [REDACTED] >

Wynn,

For just about as long as pharmaceutical drugs have existed, so have side effects. Some of these are mild and considered worth the risk. Others are far more dangerous and even lethal.

The worst part? Many times, the manufacturers **KNEW** that the drugs were dangerous and sold them anyway. And the FDA is well aware of the deaths that some of these "killer drugs" are causing. They even admit, on their own website, that over 100,000 Americans die every year from ADR ("Adverse Drug Reactions"). **Check it out!**



If you do the math, that's an average of **273 people every day** that **die** from FDA "approved" drugs! **Let that sink in!**

People who take Zantac or similar drugs to combat heartburn may be unknowingly giving themselves cancer. In 2019, the FDA announced that it had detected a **cancer-causing** contaminant called N-nitrosodimethylamine, or NDMA, in ranitidine heartburn medications. We put together an article about these "killer drugs" and you can [read it here](#).

Here are just a few examples of blatant Big Pharma corruption and cover ups...

In 2013, Pfizer agreed to a \$964 million settlement for selling insulation laden with asbestos. That same year, Pfizer withdrew “between \$400,000 and a million dollars” worth of ads from Harper’s Magazine following an unflattering article on their depression medication.

In 1994, Pfizer agreed to pay \$10.75 million to settle claims by the United States Department of Justice that the company lied to get approval for defective heart valves that killed roughly 500 people.

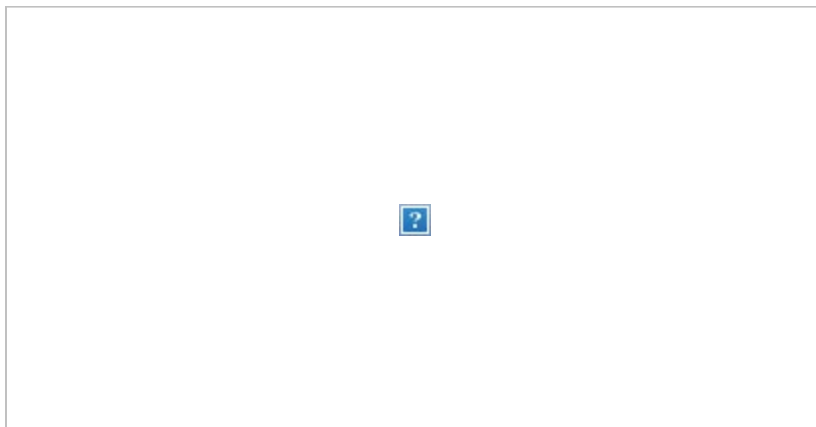


In 1996, an outbreak of measles, cholera, and bacterial meningitis occurred in Nigeria. Pfizer representatives and personnel set up a clinical trial and administered an experimental antibiotic, trovafloxacin, to approximately 200 children. Local officials reported that more than fifty children (over 25%) died in the experiment, while many others developed mental and physical deformities.

We could continue, but you probably see the pattern here. Pfizer doesn’t care if their products are safe, as is clearly evidenced by the **carnage that their covid-19 vaccines have created**. They’re willing to bribe doctors and silence the opposition to sell more products. They’re willing to **KILL CHILDREN** to make a buck.

>> [Read the entire article here](#) <<

The sad truth is that the examples above are just a small glimpse into the evil inner workings of a medical mafia that’s willing to do anything and everything to make an extra buck. So we decided to put together a collection of true stories from the past several years exposing the corruption and conflicts of interests. We’ve compiled these stories in a 75-page eBook – ‘[Big Pharma EXPOSED!](#)’ -- which you can get as a **FREE** gift, right now.



>> [CLICK HERE TO DOWNLOAD](#) <<

When you download the eBook, you'll automatically reserve your **FREE** "front row seat" to watch our eye-opening, 9-episode docu-series – **PROPAGANDA EXPOSED!** **[UNCENSORED]** – beginning November 9th.

To Your Health & Liberty,



P.S. [Click here to watch the trailer.](#)



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This email was sent to 1955wcg@gmail.com
by info@thetruthaboutvaccines.com
PO Box 530, Portland, TN 37148
[Edit Profile](#) | [Manage Subscriptions](#) | [Report Spam](#)

From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Watch "Pfizer did not know whether Covid vaccine stopped transmission before rollout" on YouTube
Date: Tuesday, November 1, 2022 3:58:49 PM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

<https://youtube.com/shorts/FO--XPTjDLE?feature=share>. Send to council and Dr.
MELNECK.

Submitted to Vancouver City Council on
Oct. 24, 2022 a Monday to be put on
Public Records - Kimberlee Elbon

310

ICLEI USA Members

4,091

Technical support interventions provided to members in 2020

390

GHG inventories created in ClearPath in 2020

1-75 - ICLEI inhumane corruption
76-83 - Council(MANIC INTERFERENCE:
when a (or more) Council members
Cross the Line. ①



(<https://icleiusa.org>)

Science-Based Targets for U.S. Communities

✉ iclei-usa@iclei.org(<https://icleiusa.org/author/iclei-usaiclei-org/>)

📅 December 17, 2021(<https://icleiusa.org/2021/12/17/>)



Science-Based Targets for U.S. Communities



Science-based targets (SBTs) are climate goals in line with the latest climate science. They represent your community's fair share of the ambition

2

necessary to meet the Paris Agreement commitment to keep warming below **1.5 °C**. To achieve this goal, the Intergovernmental Panel on Climate Change (IPCC) states that we must reduce global emissions by **50% by 2030** and achieve **climate neutrality by 2050**. This is why SBTs are often presented as 2030, or interim, targets. Equitably reducing global emissions by 50% requires that high-emitting, wealthy nations reduce their emissions by more than 50%.

Science-based targets build internal and external support needed to achieve ambitious greenhouse gas reductions and boost public confidence in local climate action. They show local governments what reduction is needed by 2030 and 2050, spurring innovation and collaboration.

Participation in the Race to Zero, (<https://icleiusa.org/race-to-zero/>) a global campaign led by the United Nations climate champions and in partnership with ICLEI, C40, CDP, World Resources Institute and more, requires cities to set a 2030 target, which “reflects maximum effort toward or beyond a fair share of the 50% global reduction in CO₂ by 2030 identified in the IPCC Special Report on Global Warming of 1.5 °C.”

Calculating a Science-Based Target

1. **Understand** science-based targets by reading the Science-Based Target (SBT) guidance (<https://sciencebasedtargetsnetwork.org/take-action-now/take-action-as-a-city/>) developed by the partners of the Science Based Targets Network. This guide provides a valuable background to the Who, What, Why, and How of SBTs.
 - **ICLEI USA support:** By joining the ICLEI150 in the Cities Race to Zero, you will receive technical assistance to further understand and develop your community's SBT. Together, we will set an interim 2030 target that reflects maximum effort toward or beyond a fair share of your community's emissions reductions by 2030.
 - As an ICLEI USA member, you can access our “Science-Based Targets Guidance for Inventories” through the ICLEI Community (<https://community.icleiusa.org/s/login/>).

2. **Develop** or update your SBT utilizing one of the methodologies discussed in the guidance (<https://sciencebasedtargetsnetwork.org/take-action-now/take-action-as-a-city/>).

- **ICLEI USA support:** By joining the ICLEI150 in the Cities Race to Zero, our technical experts will calculate your community's SBT based on a completed 2015 or newer community greenhouse gas inventory in ClearPath, our climate planning tool. If you do not have an applicable inventory, ICLEI USA will help you to create or update one.
- Using your community's 2030 science-based target and greenhouse gas profile, as well as our knowledge of your community priorities, ICLEI USA will develop high-impact actions to achieve your 2030 target. Once identified, ICLEI USA will provide technical assistance and workshops to help your team begin implementation.
- *ICLEI USA's calculation methodology is based on the World Wide Fund for Nature's (WWF) One Planet City Challenge (https://wwfint.awsassets.panda.org/downloads/wwf_opcc_assessment_framework_and_technical_details_2021_04_08.pdf) (OPCC). ICLEI USA chose this methodology because it is most compatible with our local governments' current methodologies, making it easier to integrate the target into current and future greenhouse gas emissions reduction strategies.*

3. **Report** your target by disclosing it in the CDP-ICLEI Questionnaire (<https://www.cdp.net/en/cities-discloser>). If your community does not have a target, please indicate why you have not yet set one in your response. The CDP will contact you following the disclosure deadline to support you with next steps in setting your target.

- **ICLEI USA support:** By joining the ICLEI150 in the Cities Race to Zero, ICLEI USA will amplify your progress through our media and partner channels. Additionally, reporting your progress allows ICLEI USA and your team to co-develop the next steps in your Race to Zero journey.

4. **Receive** feedback from CDP and ICLEI USA, who will check targets for alignment with a fair share of emissions reduction in line with limiting

4

global warming to 1.5 °C.

5. **Disclose** annually to monitor progress against your target.

- **ICLEI USA support:** ICLEI USA will keep its members and ICLEI150 participants up to date in case targets need to be adapted to current climate science. Communities should also keep targets up-to-date based on progress.

ICLEI USA's Science-Based Target Methodology

As the basis of its method, the World Wide Fund for Nature's (WWF) One Planet City Challenge (https://wwfint.awsassets.panda.org/downloads/wwf_opcc_assessment_framework_and_technical_details_2021_04_08.pdf) (OPCC) proposes to reduce baseline (2018) per capita emissions (scope 1 & 2) by 50%. This is then adjusted by Human Development Index correction factors to adjust for a jurisdiction's fair share of emissions. This means jurisdictions in countries with higher HDIs (higher socio-economic development) must pursue stronger reductions and more ambitious High Impact Actions (HIAs) by 2030, allowing still-developing cities with lower HDIs to reduce less by the same year.

The foundation of ICLEI USA's SBT calculation is based on the OPCC methodology. However, our methodology is adapted to fit our diverse network of local governments.

Key Differences in ICLEI USA's Methodology:

- Baseline years range from 2016-2019
 - *Justification: Many local governments produce inventories every 2-5 years. We prefer the SBT baseline emissions to be precisely calculated rather than extrapolated based on a 2018 normalization.*
- Minimally-compliant inventories must be compliant with ICLEI USA's *U.S Community Protocol* (https://drive.google.com/file/d/1dDh2WXs4PQyuL_KKYvTO3DDOgaNOFyCo/view?usp=sharing) (USCP) or the GPC (<https://ghgprotocol.org/sites/default/files>)

5

/standards_supporting/GPC_Executive_Summary_1.pdf) Basic reporting level.

- *Justification: Many local governments within ICLEI USA's network build inventories in compliance with the U.S Community Protocol. Other local governments build inventories in compliance with the GPC Basic reporting level. The GPC Basic reporting level requires all activities required by the U.S. Community Protocol, except the use of energy in potable water and wastewater treatment and distribution.*
- 2030 absolute emissions reduction target considers population growth. Communities may use/accept both per-capita and absolute emissions targets.
 - *Justification: Population growth can have a significant impact on future emissions. Absolute emissions targets offer a more definitive reduction regardless of population impacts and or external impacts (e.g. tourism).*

Race to Zero

Race To Zero (<https://racetozero.unfccc.int/>) is a global campaign established by United Nations Climate and UK COP26 Climate Champions during Fall 2020 in order to rally ambitious leadership from all sectors of society — businesses, cities, regions, investors — in order to secure a future of warming that exceeds no more than 1.5 °C.

The science shows us that governments are crucial partners in solving the climate emergency but that they must strengthen their contributions to the Paris Agreement in order to unlock a healthy, resilient, zero carbon recovery that prevents future threats, creates decent jobs, and unlocks inclusive, sustainable growth. Although the Race to Zero was born out of the galvanizing sense of urgency leading into COP26, the imperative for communities to reach climate neutrality will continue for decades to come. ICLEI USA invites all our members to do this work with us, join the ICLEI150 in the Race to Zero (<https://icleiusa.org/race-to-zero/>), and access our dedicated technical support program to reach your 2030 and 2050 climate goals.

Need more support?

Contact us (<https://icleiusa.org/about/contact-us/>)!

All ICLEI Members

- City of Rockland, ME, United States

City of Rockland, ME, United States

Lisa Weastkaemper Title: Mayor Population: 7146 Member since: 01.03.2020

- City of Piedmont, CA, United States

City of Piedmont, CA, United States

Robert McBain Title: Mayor Population: 11353 Member since: 11.01.2007

- City of Beacon, NY, United States

City of Beacon, NY, United States

Title: Population: 14523 Member since: 01.05.2019

- Town of Dedham, MA, United States

Town of Dedham, MA, United States

Title: Population: 24729 Member since: 18.07.2008

- City of Lander, WY, United States

City of Lander, WY, United States

Melinda Cox Title: Councilmember Population: 7458 Member since: 01.06.2021

- City of Baltimore, MD, United States

City of Baltimore, MD, United States

Title: Population: 622793 Member since: 22.10.2012

- City of McCall, ID, United States

City of McCall, ID, United States

Robert Giles Title: Honorable Mayor Population: 3470 Member since: 01.10.2020

- City of Binghamton, NY, United States

City of Binghamton, NY, United States

Richard C. David Title: Mayor Population: 45672 Member since: 01.01.2010

- City of New Haven, CT, United States

City of New Haven, CT, United States

Justin Elicker Title: Mayor Population: 130768 Member since: 01.01.2019

- City of Boynton Beach, FL, United States

City of Boynton Beach, FL, United States

Steven B. Grant Title: Mayor Population: 69654 Member since: 25.04.2008

- City of Hattiesburg, MS, United States

City of Hattiesburg, MS, United States

Toby Barker Title: Mayor Population: 45951 Member since: 01.02.2019

- City of Miami, FL, United States

City of Miami, FL, United States

Francis Suarez Title: Mayor Population: 417650 Member since: 07.05.2007

- City of Moscow, ID, United States

City of Moscow, ID, United States

Bill Lambert Title: Mayor Population: 23800

- City of Riverside, CA, United States

City of Riverside, CA, United States

William Bailey III Title: Mayor Population: 324722 Member since: 12.09.2007

- City of Creve Coeur, MO, United States

City of Creve Coeur, MO, United States

Barry L. Glantz Title: Mayor Population: 16759 Member since: 07.05.2008

- City of New Rochelle, NY, United States

City of New Rochelle, NY, United States

NULL

Noam Bramson Title: Mayor Population: 77062 Member since: 06.01.2009

- City of Ashland, OR, United States

City of Ashland, OR, United States

John Stromberg Title: Mayor Population: 21639 Member since: 20.02.2007

- City of Cincinnati, OH, United States

City of Cincinnati, OH, United States

John J. Cranley Title: Mayor Population: 297517 Member since: 28.04.2008

- Village of Pleasantville, NY, United States

Village of Pleasantville, NY, United States

Peter Scherer Title: Mayor Population: 7150 Member since: 01.01.2019

- Borough of Glen Rock, NJ, United States

Borough of Glen Rock, NJ, United States

Title: Population: 11829 Member since: 01.04.2019

- City of Flagstaff, AZ, United States

City of Flagstaff, AZ, United States

Paul Deasy Title: Mayor Population: 68785 Member since: 16.06.2008

- Summit County, UT, United States

Summit County, UT, United States

Tom Fisher Title: County Manager Population: 40307 Member since: 05.07.2007

- City of Alexandria, VA, United States

City of Alexandria, VA, United States

Justin Wilson Title: Mayor Population: 150575 Member since: 07.04.2008

- City of North Miami, FL, United States

City of North Miami, FL, United States

Smith Joseph Title: Mayor Population: 62435 Member since: 18.10.2007

- City of Tempe, AZ, United States

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Global 



Our Members

ICLEI Members are committed local and regional governments, representing diverse communities the world over. They guide our efforts to make sustainability fundamental to all development and to scale up sustainable urban development worldwide. ICLEI Members steer the direction of our work, shape our strategy and support the mission, mandate and principles set in our statutes. They are eligible to vote and take part in our network-wide governing bodies.

Membership is open to all local and regional governments, as well as to their global, regional, national and subnational associations. They contribute an annual membership fee that varies regionally and according to population and gross national income per capita.

SEARCH OUR MEMBERS



About us

ICLEI – Local Governments for Sustainability is a global network of more than 2500 local and regional governments committed to sustainable urban development. Active in 125+ countries, we influence sustainability policy and drive local action for low emission, nature-based, equitable, resilient and circular development.

We bring sustainability to a rapidly developing urban world.

ICLEI makes sustainability an integral part of urban development and creates systemic change in urban areas through practical, integrated solutions. We help cities, towns and regions anticipate and respond to complex challenges, from rapid urbanization and climate change to ecosystem degradation and inequity.

The local and regional governments in our network confront these challenges by incorporating sustainability into day-to-day operations and policy. We invest in the capacity and knowledge needed to design solutions and make decisions informed by data, scientific evidence and local realities and pressures. Our five pathways towards low emission, nature-based, equitable, resilient and circular development are designed to create systemic change.

We work in cities, towns and regions of all sizes, with varying capacities and challenges. Many have set and reached ambitious targets and are at the forefront of sustainability, pioneering new solutions and challenging the status quo. Others are taking early steps towards transformation, strengthening their systems and capacities to achieve sustainability goals.

13

Across the world, ICLEI brings the latest global knowledge and solutions to the local context.

The ICLEI network is united for worldwide action.

Our Members and team of experts work together through peer exchange, partnerships and capacity building to create systemic change for urban sustainability.

ICLEI creates connections among the local, regional, national and global governmental levels. We advocate for robust national and global sustainability policies that reflect the interests of local and regional governments and their communities.

ICLEI forges strategic alliances with international organizations, national governments, academic and financial institutions, civil society and the private sector. We create space for innovation within our multi-disciplinary teams and work alongside our partners to create new ways to support sustainable development at the urban scale.

We impact global sustainable development.

When a pioneering group of local and regional governments founded ICLEI, they took action before sustainability was widely viewed as fundamental to development. For decades, our efforts have continued to put sustainability at the top of the agenda for local and regional governments across the world. Over time, ICLEI has expanded and developed, and we are now working in over 125 countries, with global experts in more than 24 offices.

Through our collective efforts to build a sustainable urban world, ICLEI is shifting the trajectory of global development.



ICLEI World Secretariat

Kaiser-Friedrich-Str. 7

53113 Bonn

Germany

Tel. +49-228 / 97 62 99-00

Email:

Membership inquiries: membership@iclei.org

Communications inquiries: media@iclei.org

Climate inquiries: carbonn@iclei.org

Events inquiries: capacity.center@iclei.org

General inquiries: iclei.ws@iclei.org

Website: www.iclei.org



ICLEI – Local Governments for Sustainability is a global network working with more than 2,500 local and regional governments committed to sustainable urban development.



Contact Us

Kaiser-Friedrich-Str. 7

53113 Bonn | Germany

Tel. +49-228 / 97 62 99-00

What we do

ICLEI works at multiple scales, building connections across local, regional, national and global actors and policies. We create systems change, developing integrated solutions along five interconnected development pathways that transform urban areas.

ICLEI experts are on the ground, working alongside local and regional governments to anticipate and respond to complex challenges, from urbanization and climate change to ecosystem degradation and inequity. We invest in the capacity and knowledge needed to design solutions to these challenges and make decisions informed by data, scientific evidence and local realities and pressures.

ICLEI leads knowledge exchange and sparks city-to-city and city-to-region connections worldwide. Peer exchange and capacity building are at the heart of what we do.

At the national and global scales, we push for robust policies that reflect the interests of local and regional governments and apply global policy to sustainable urban development strategies at the subnational level.

ICLEI forms strategic alliances with international organizations, national governments, academic and financial institutions, civil society and the private sector. We create space for innovation and lead our partners to build new ways to support sustainable development at the urban scale.

13

Local and regional governments and ICLEI

Local and regional governments across the ICLEI network are committed to building a sustainable urban future.



The ICLEI network

Local and regional governments across the ICLEI network represent a diversity of cities, towns and regions around the globe. Collectively, they form a dynamic force advancing sustainable urban development worldwide.

The ICLEI Network is made up of our Members, who serve in governance roles, elect our leadership, and engage in ICLEI's activities, advocacy and mission, and ICLEI Network cities and regions, which are subnational governments actively engaged in ICLEI activities. You can search for these activities in the Activities Database.

Our growing network reaches:

2500+

cities, towns and regions

125+

countries worldwide

25+

percent of the global urban population

20+

percent of the global population

Our pathways, our approach

ICLEI engages at the local to global levels, shaping policy and sparking action to transform urban environments worldwide. We build connections across levels of government, sectors and stakeholder groups, sparking city-to-city, city-to-region, local-to-global and local-to-national connections. By linking subnational, national and global actors, policies, commitments and initiatives, ICLEI strengthens action at all levels, in support of sustainable urban development.

At the subnational level, ICLEI drives change along five interconnected pathways that cut across sectors and jurisdictional boundaries. This design enables local and regional governments to develop solutions in a holistic and integrated way, creating change across entire urban systems.

These pathways, outlined below, are part of the ICLEI Malmö Commitment and Strategic Vision 2021-2027, which guides the work of the ICLEI network. The pathways were originally released as part of the ICLEI Montréal Commitment and Strategic Vision 2018-2024.

You can read more about the ICLEI Malmö Commitment and Strategic Vision in ICLEI in the Urban Era.



Global advocacy at ICLEI

ICLEI aims to build a global policy environment that supports local and regional governments in their efforts to scale up sustainable urban development worldwide.

Through our advocacy, we have reshaped the global sustainability landscape to ensure local and regional governments are recognized, engaged and resourced, and demonstrated their crucial role in translating global policy into action.

Members of the ICLEI network are an integral part of our global advocacy. They represent ICLEI in intergovernmental processes and national dialogues that form the basis for implementing the global sustainable development agenda.

ICLEI is active in efforts to advance the new global sustainable development agenda – including the 2030 Agenda for Sustainable Development, the Paris Climate Agreement and the New Urban Agenda.

2

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Global 



1 November 2021

RELEASE: COP26: Cities, regions and other subnationals urge nations to embrace multilevel collaboration as the new normal in the upcoming decade for ambitious climate action

Press releases



Share 

Starting from COP26 in Glasgow, cities and regions of the world invite all nations to deliver multilevel collaboration action, as our collective responsibility and beacon of hope in order to avoid climate disasters rapidly driving our world

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Global



especially in working across all levels of government.

Of the second round of Nationally Determined Contributions (NDCs), only 80 countries have so far been found to be more ambitious than the first round. They all have something in common: Countries with more ambitious climate goals seized the opportunity of engaging all levels of governments.

The US is one such nation. “We are very excited to see the Biden Administration step up and say that not only are they in, but they are willing to work in a multilevel fashion for all of us to succeed in this. And I think that this really excites us, that we can make progress, that from the national level, to the state level, to the county level to the local level, we're all in this. We all see the opportunity. We need to share our best practices, we need to declare a climate emergency at all levels,” said **Frank Cownie, Mayor, Des Moines, US and ICLEI President**.

The press conference included the announcement of **LGMA Glasgow Time4MultilevelAction Roadmap: Implement multilevel action in the age of climate emergency**, and the two-week agenda of the **Multilevel Action Pavilion at COP26 Blue Zone**, hosted by the Scottish Government and convened by ICLEI. 

The speakers also emphasized that cities need to approach climate action in an inclusive way. In Glasgow, **Susan Aitken, Council Leader, Glasgow City Council, Scotland, UK**, emphasized that her government is learning from history to transition her city in a just and equitable way.

“True leadership is bringing our citizens along with us on every step of the journey, and helping them to understand why bold actions, which are sometimes taking place at a pace and a scale that we've never really done before, why it's so

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Paulo's former Mayor, and am well aware of the challenges of sustainable development in cities adjusting economic growth, with job creation, income distribution, and access for the most vulnerable to urban public goods and services. Now, as a governor of the state of San Paolo, I participate in the movement of subnational governments. We are 10 governors right now here in the COP26, and San Paolo reaffirms its leadership position in the face of global warming challenges and announces an ambitious agenda to come back to climate change with our common and shared responsibilities," said Mr. Doria.

The national government of Japan emphasized that working regionally can accelerate the path towards climate neutrality. "We announced a commitment of carbon neutrality by 2050. But 90% of the Japanese local governments have already committed to become a zero-carbon city by 2050 - on their own. Now, we cannot wait for regional carbon neutrality until 2050. Rather, we have to create a carbon neutrality region much faster and replicate them, in a so-called decarbonization domino effect," said **Ryuzo Sugimoto, Director, International Cooperation and Sustainable Infrastructure office, Global Environmental Bureau, Ministry of the Environment, Japan.**

The press conference also recognized that the first day of COP26 fell on World Cities Day, which is an international day organized by UN-Habitat.

"UN-Habitat supports member states in enhancing the urban dimension of the NDCs. We also work directly with cities to build capacities for a zero carbon resilient and socially inclusive, urban future. We support the goal of multilevel governance for climate action, in particular the role that cities, towns and local governments play. World Cities Day may fall on the start of COP26 more by coincidence than by design, but we hope that this is a good omen for elevating

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(EL/EPP), President of the European Committee of the Regions (CoR), Governor of Central Macedonia Region, Greece and Greek Ambassador of the Covenant of Mayors.

“Over one thousand cities have committed to more ambitious climate actions through the Race to Zero, but they all need collaboration with national and global partners to fully deliver on these commitments,” said Nigel Topping, High Level Champion for Climate Action, COP26, UNFCCC. “At the same time, the most ambitious national governments know that they cannot deliver on the Paris agreement without multilevel partnership. We applaud all those governments - national and subnational - that are already showing that the way forward through this crisis is through meaningful and impactful collaboration.”

THE MULTILEVEL ACTION PAVILION at COP26

The Multilevel Action Pavilion at COP26 is the home for subnationals, including cities, towns and regions, at COP26 in the Blue Zone. This year, the Pavilion is both in-person and – for the first time ever – also an online pavilion to ensure everyone can attend regardless of travel restrictions, funding and summit accreditation requirements. Members attending virtually will have direct access to all of the same events right here.

For more information about The Multilevel Action Pavilion at COP26, please visit <https://www.cities-and-regions.org/multilevel-action-pavilion/>. The full Pavilion event program is available for download [here](#).

The Multilevel Action Pavilion is supported by major contributions from COP26, The Local Governments and Municipal Authorities (LGMA), and the European Union.

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NOTE TO EDITORS

About the LGMA

At the Earth Summit in 1992, nine stakeholder groups, including local authorities, were designated as essential partners in society for the implementation of the global sustainability agenda. The Local Governments and Municipal Authorities (LGMA) Constituency has represented networks of local and regional governments at the processes under the United Nations Framework Convention on Climate Change (UNFCCC) since the first Conference of Parties (COP) in 1995. ICLEI – Local Governments for Sustainability acts as the LGMA Focal Point. This year's COP features 400+ representatives from the LGMA, who are participating in 200+ events.

About ICLEI - Local Governments for Sustainability

ICLEI – Local Governments for Sustainability (known as "ICLEI") is a global network of more than 2,500 local and regional governments committed to sustainable urban development. Active in 125+ countries, we influence sustainability policy and drive local action for low emission, nature-based, equitable, resilient and circular development. Our Members and team of experts work together through peer exchange, partnerships and capacity building to create systemic change for urban sustainability. For more information about ICLEI, please visit: <https://iclei.org/>.

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World Secretariat (Bonn, Germany)

Phone: +49 (0)177 190 2830 | Email: ariel.dekovic@iclei.org |

Skype: [ariel.dekovic.iclei](https://www.skype.com/people/ariel.dekovic.iclei)

ICLEI – Local Governments for Sustainability is a global network working with more than 2,500 local and regional governments committed to sustainable urban development.



Contact Us

Kaiser-Friedrich-Str. 7

53113 Bonn | Germany

Tel. +49-228 / 97 62 99-00

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ICLEI has nearly 500 staff in more than 20 offices around the world, offering expertise that positions local and regional governments to advance sustainable urban development along our five pathways.



Current openings at the ICLEI World Secretariat

Head of Global Communications [Parental Leave Cover]

The successful candidate will lead the Global Communications Team at the ICLEI World Secretariat team based in Bonn, Germany for a 10-month duration.

Application Deadline: 17 December 2021

LEARN MORE

Intern – Circular Development Team (Circular Cities) (mandatory internship)

The position is open to eligible and qualified Master's students who must complete a mandatory internship as part of their studies.

Application Deadline: 17 December 2021



LEARN MORE

Intern – Nature-based Solutions, Circular Development Team (mandatory internship)

The position is open to eligible and qualified Master's students who must complete a mandatory internship as part of their studies.

Application Deadline: 17 December 2021

LEARN MORE

Junior Officer Sustainable Mobility - focus e-mobility

The position is open to eligible and qualified candidates with a university degree in a relevant field, such as urban governance/planning/design; transport planning/management/policies; environmental science/policies; civil engineering or comparable.

Application Deadline: 9 January 2022

LEARN MORE

GEOENGINEERING

Geoengineering is the artificial modification of Earth's climate systems through two primary ideologies, Solar Radiation Management (SRM) and Carbon Dioxide Removal (CDR)\

CARBON DIOXIDE REMOVAL (CDR)

Carbon Dioxide Removal (CDR) and sequestration. This is artificial trees, ocean fertilization etc. These projects are declassified for the most part. This method of geoengineering IS NOT the focus of this website.

SOLAR RADIATION MANAGEMENT (SRM)

Solar Radiation Management (SRM), controlling sunlight before it reaches the planet.

STRATOSPHERIC SULFATE AEROSOLS GEO-ENGINEERING (SAG-SRM)

The ability of stratospheric sulfate aerosols to create a global dimming effect has made them a possible candidate for use in geoengineering projects [1] to limit the effect and impact of climate change due to rising levels of greenhouse gases. [2] Delivery of precursor sulfide gases such as hydrogen sulfide (H₂S) or sulfur dioxide (SO₂) by artillery, aircraft [3] and balloons has been proposed.

Tom Wigley calculated the impact of injecting sulfate particles, or aerosols, every one to four years into the stratosphere in amounts equal to those lofted by the volcanic eruption of Mount Pinatubo in 1991, but did not address the many technical and political challenges involved in potential geoengineering efforts. If found to be economically, environmentally and technologically viable, such injections could provide a "grace period" of up to 20 years before major cutbacks in greenhouse gas emissions would be required, he concludes.
Direct delivery of precursors is proposed by Paul Crutzen. This would typically be achieved using sulfide gases such as dimethyl sulfide, sulfur dioxide (SO₂), carbonyl sulfide, or hydrogen sulfide (H₂S). These compounds would be delivered using artillery, aircraft (such as the high-flying F15C) or balloons, and result in the formation of compounds with the sulfate anion SO₄²⁻.
According to estimates by the Council on Foreign Relations, "one kilogram of well placed sulfur in the stratosphere would roughly offset the warming effect of several hundred thousand kilograms of carbon dioxide."

"CHEMTRAILING" (not a scientific term)

Chemtrailing is the public's term for the CLASSIFIED ONGOING artificial modification of Earth's climate systems using reflective nano-materials (aerosols) to reflect sunlight. The aerosols are dispersed via jet aircraft trails that expand into reflective artificial clouds. As noted above, the "chemtrails" term is not a scientific term and is thus used to discredit the validity of the anti-geoengineering effort. This term is not helpful to the cause of exposing and halting climate engineering and thus should be avoided.

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Extensive List Of Patents

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United States Patent and Trademark Office

- 0462795 – July 16, 1891 – Method Of Producing Rain-Fall
- 1103490 – August 6, 1913 – Rain-Maker
- 1225521 – September 4, 1915 – Protecting From Poisonous Gas In Warfare
- 1338343 – April 27, 1920 – Process And Apparatus For The Production of Intense Artificial Clouds, Fogs, or Mists
- 1619183 – March 1, 1927 – Process of Producing Smoke Clouds From Moving Aircraft
- 1665267 – April 10, 1928 – Process of Producing Artificial Fogs
- 1892132 – December 27, 1932 – Atomizing Attachment For Airplane Engine Exhausts
- 1928963 – October 3, 1933 – Electrical System And Method
- 1957075 – May 1, 1934 – Airplane Spray Equipment

(35)

- 2097581 – November 2, 1937 – Electric Stream Generator – Referenced in 3990987
- 2409201 – October 15, 1946 – Smoke Producing Mixture
- 2476171 – July 18, 1945 – Smoke Screen Generator
- 2480967 – September 6, 1949 – Aerial Discharge Device
- 2550324 – April 24, 1951 – Process For Controlling Weather
- 2582678 – June 15, 1952 – Material Disseminating Apparatus For Airplanes
- 2614083 – October 14, 1952 – Metal Chloride Screening Smoke Mixture
- 2633455 – March 31, 1953 – Smoke Generator
- 2688069 – August 31, 1954 – Steam Generator – Referenced in 3990987
- 2721495 – October 25, 1955 – Method And Apparatus For Detecting Minute Crystal Forming Particles Suspended in a Gaseous Atmosphere
- 2730402 – January 10, 1956 – Controllable Dispersal Device
- 2801322 – July 30, 1957 – Decomposition Chamber for Monopropellant Fuel – Referenced in 3990987
- 2881335 – April 7, 1959 – Generation of Electrical Fields
- 2908442 – October 13, 1959 – Method For Dispersing Natural Atmospheric Fogs And Clouds
- 2986360 – May 30, 1962 – Aerial Insecticide Dusting Device
- 2963975 – December 13, 1960 – Cloud Seeding Carbon Dioxide Bullet
- 3126155 – March 24, 1964 – Silver Iodide Cloud Seeding Generator
- 3127107 – March 31, 1964 – Generation of Ice-Nucleating Crystals

(36)

- 3131131 – April 28, 1964 – Electrostatic Mixing in Microbial Conversions
- 3174150 – March 16, 1965 – Self-Focusing Antenna System
- 3234357 – February 8, 1966 – Electrically Heated Smoke Producing Device
- 3274035 – September 20, 1966 – Metallic Composition For Production of Hydrosopic Smoke
- 3300721 – January 24, 1967 – Means For Communication Through a Layer of Ionized Gases
- 3313487 – April 11, 1967 – Cloud Seeding Apparatus
- 3338476 – August 29, 1967 – Heating Device For Use With Aerosol Containers
- 3410489 – November 12, 1968 – Automatically Adjustable Airfoil Spray System With Pump
- 3429507 – February 25, 1969 – Rainmaker
- 3432208 – November 7, 1967 – Fluidized Particle Dispenser
- 3441214 – April 29, 1969 – Method And Apparatus For Seeding Clouds
- 3445844 – May 20, 1969 – Trapped Electromagnetic Radiation Communications System
- 3456880 – July 22, 1969 – Method Of Producing Precipitation From The Atmosphere
- 3518670 June 30, 1970 – Artificial Ion Cloud
- 3534906 – October 20, 1970 – Control of Atmospheric Particles
- 3545677 – December 8, 1970 – Method of Cloud Seeding
- 3564253 – February 16, 1971 – System And Method For Irradiation Of Planet Surface Areas
- 3587966 – June 28, 1971 – Freezing Nucleation

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- 3601312 – August 24, 1971 – Methods of Increasing The Likelihood of Precipitation By The Artificial Introduction Of Sea Water Vapor Into The Atmosphere Winward Of An Air Lift Region
- 3608810 – September 28, 1971 – Methods of Treating Atmospheric Conditions
- 3608820 – September 20, 1971 – Treatment of Atmospheric Conditions by Intermittent Dispensing of Materials Therein
- 3613992 – October 19, 1971 – Weather Modification Method
- 3630950 – December 28, 1971 – Combustible Compositions For Generating Aerosols, Particularly Suitable For Cloud Modification And Weather Control And Aerosolization Process
- USRE29142 – May 22, 1973 – Combustible compositions for generating aerosols, particularly suitable for cloud modification and weather control and aerosolization process
- 3659785 – December 8, 1971 – Weather Modification Utilizing Microencapsulated Material
- 3666176 – March 3, 1972 – Solar Temperature Inversion Device
- 3677840 – July 18, 1972 – Pyrotechnics Comprising Oxide of Silver For Weather Modification Use
- 3722183 – March 27, 1973 – Device For Clearing Impurities From The Atmosphere
- 3769107 – October 30, 1973 – Pyrotechnic Composition For Generating Lead Based Smoke
- 3784099 – January 8, 1974 – Air Pollution Control Method
- 3785557 – January 15, 1974 – Cloud Seeding System
- 3795626 – March 5, 1974 – Weather Modification Process
- 3808595 – April 30, 1974 – Chaff Dispensing System
- 3813875 – June 4, 1974 – Rocket Having Barium Release System to Create Ion Clouds In The Upper Atmosphere
- 3835059 – September 10, 1974 – Methods of Generating Ice Nuclei Smoke Particles For Weather Modification And Apparatus



Therefore

- 3835293 – September 10, 1974 – Electrical Heating Apparatus For Generating Super Heated Vapors
- 3877642 – April 15, 1975 – Freezing Nucleant
- 3882393 – May 6, 1975 – Communications System Utilizing Modulation of The Characteristic Polarization of The Ionosphere
- 3896993 – July 29, 1975 – Process For Local Modification of Fog And Clouds For Triggering Their Precipitation And For Hindering The Development of Hail Producing Clouds
- 3899129 – August 12, 1975 – Apparatus for generating ice nuclei smoke particles for weather modification
- 3899144 – August 12, 1975 – Powder contrail generation
- 3940059 – February 24, 1976 – Method For Fog Dispersion
- 3940060 – February 24, 1976 – Vortex Ring Generator
- 3990987 – November 9, 1976 – Smoke generator
- 3992628 – November 16, 1976 – Countermeasure system for laser radiation
- 3994437 – November 30, 1976 – Broadcast dissemination of trace quantities of biologically active chemicals
- 4042196 – August 16, 1977 – Method and apparatus for triggering a substantial change in earth characteristics and measuring earth changes
- RE29,142 – February 22, 1977 – Combustible compositions for generating aerosols, particularly suitable for cloud modification and weather control and aerosolization process
- 4035726 – July 12, 1977 – Method of controlling and/or improving high-latitude and other communications or radio wave surveillance systems by partial control of radio wave et al
- 4096005 – June 20, 1978 – Pyrotechnic Cloud Seeding Composition

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- 4129252 – December 12, 1978 – Method and apparatus for production of seeding materials
- 4141274 – February 27, 1979 – Weather modification automatic cartridge dispenser
- 4167008 – September 4, 1979 – Fluid bed chaff dispenser
- 4347284 – August 31, 1982 – White cover sheet material capable of reflecting ultraviolet rays
- 4362271 – December 7, 1982 – Procedure for the artificial modification of atmospheric precipitation as well as compounds with a dimethyl sulfoxide base for use in carrying out said procedure
- 4402480 – September 6, 1983 – Atmosphere modification satellite
- 4412654 – November 1, 1983 – Laminar microjet atomizer and method of aerial spraying of liquids
- 4415265 – November 15, 1983 – Method and apparatus for aerosol particle absorption spectroscopy
- 4470544 – September 11, 1984 – Method of and Means for weather modification
- 4475927 – October 9, 1984 – Bipolar Fog Abatement System
- 4600147 – July 15, 1986 – Liquid propane generator for cloud seeding apparatus
- 4633714 – January 6, 1987 – Aerosol particle charge and size analyzer
- 4643355 – February 17, 1987 – Method and apparatus for modification of climatic conditions
- 4653690 – March 31, 1987 – Method of producing cumulus clouds
- 4684063 – August 4, 1987 – Particulates generation and removal
- 4686605 – August 11, 1987 – HAARP Patent / EASTLUND PATENT – Method and apparatus for altering a region in the earth's atmosphere, ionosphere, and/or magnetosphere
- 4704942 – November 10, 1987 – Charged Aerosol

(40)

- 4712155 – December 8, 1987 – Method and apparatus for creating an artificial electron cyclotron heating region of plasma
- 4744919 – May 17, 1988 – Method of dispersing particulate aerosol tracer
- 4766725 – August 30, 1988 – Method of suppressing formation of contrails and solution therefor
- 4829838 – May 16, 1989 – Method and apparatus for the measurement of the size of particles entrained in a gas
- 4836086 – June 6, 1989 – Apparatus and method for the mixing and diffusion of warm and cold air for dissolving fog
- 4873928 – October 17, 1989 – Nuclear-sized explosions without radiation
- 4948257 – August 14, 1990 – Laser optical measuring device and method for stabilizing fringe pattern spacing
- 1338343 – August 14, 1990 – Process and Apparatus for the production of intense artificial Fog
- 4999637 – March 12, 1991 – Creation of artificial ionization clouds above the earth
- 5003186 – March 26, 1991 – Stratospheric Welsbach seeding for reduction of global warming
- 5005355 – April 9, 1991 – Method of suppressing formation of contrails and solution therefor
- 5038664 – August 13, 1991 – Method for producing a shell of relativistic particles at an altitude above the earth's surface
- 5041760 – August 20, 1991 – Method and apparatus for generating and utilizing a compound plasma configuration
- 5041834 – August 20, 1991 – Artificial ionospheric mirror composed of a plasma layer which can be tilted
- 5056357 – October 15, 1991 – Acoustic method for measuring properties of a mobile medium
- 5059909 – October 22, 1991 – Determination of particle size and electrical charge
- 5104069 – April 14, 1992 – Apparatus and method for ejecting matter from an aircraft
- 5110502 – May 5, 1992 – Method of suppressing formation of contrails and solution therefor

(14)

- 5156802 – October 20, 1992 – Inspection of fuel particles with acoustics
- 5174498 – December 29, 1992 – Cloud Seeding
- 5148173 – September 15, 1992 – Millimeter wave screening cloud and method
- 5242820 – September 7, 1993 – Army Mycoplasma Patent Patent
- 5245290 – September 14, 1993 – Device for determining the size and charge of colloidal particles by measuring electroacoustic effect
- 5286979 – February 15, 1994 – Process for absorbing ultraviolet radiation using dispersed melanin
- 5296910 – March 22, 1994 – Method and apparatus for particle analysis
- 5327222 – July 5, 1994 – Displacement information detecting apparatus
- 5357865 – October 25, 1994 – Method of cloud seeding
- 5360162 – November 1, 1994 – Method and composition for precipitation of atmospheric water
- 5383024 – January 17, 1995 – Optical wet steam monitor
- 5425413 – June 20, 1995 – Method to hinder the formation and to break-up overhead atmospheric inversions, enhance ground level air circulation and improve urban air quality
- 5434667 – July 18, 1995 – Characterization of particles by modulated dynamic light scattering
- 5441200 – August 15, 1995 – Tropical cyclone disruption
- 5556029 – September 17, 1996 – Method of hydrometeor dissipation (clouds)
- 5628455 – May 13, 1997 – Method and apparatus for modification of supercooled fog
- 5631414 – May 20, 1997 – Method and device for remote diagnostics of ocean-atmosphere system state
- 5639441 – June 17, 1997 – Methods for fine particle formation



- 5762298 – June 9, 1998 – Use of artificial satellites in earth orbits adaptively to modify the effect that solar radiation would otherwise have on earth's weather
- 5800481 – September 1, 1998 – Thermal excitation of sensory resonances
- 5912396 – June 15, 1999 – System and method for remediation of selected atmospheric conditions
- 5922976 – July 13, 1999 – Method of measuring aerosol particles using automated mobility-classified aerosol detector
- 5949001 – September 7, 1999 – Method for aerodynamic particle size analysis
- 5984239 – November 16, 1999 – Weather modification by artificial satellites
- 6025402 – February 15, 2000 – Chemical composition for effectuating a reduction of visibility obscuration, and a detoxification of fumes and chemical fogs in spaces of fire origin
- 6030506 – February 29, 2000 – Preparation of independently generated highly reactive chemical species
- 6034073 – March 7, 2000 – Solvent detergent emulsions having antiviral activity
- 6045089 – April 4, 2000 – Solar-powered airplane
- 6056203 – May 2, 2000 – Method and apparatus for modifying supercooled clouds
- 6315213B1 – June 21, 2000 – Method of modifying weather
- 6110590 – August 29, 2000 – Synthetically spun silk nanofibers and a process for making the same
- 6263744 – July 24, 2001 – Automated mobility-classified-aerosol detector
- 6281972 – August 28, 2001 – Method and apparatus for measuring particle-size distribution
- 20030085296 – November 2, 2001 – Hurricane and tornado control device
- 6315213 – November 13, 2001 – Method of modifying weather

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- 6382526 – May 7, 2002 – Process and apparatus for the production of nanofibers
- 6408704 – June 25, 2002 – Aerodynamic particle size analysis method and apparatus
- 6412416 – July 2, 2002 – Propellant-based aerosol generation devices and method
- 6520425 – February 18, 2003 – Process and apparatus for the production of nanofibers
- 6539812 – April 1, 2003 – System for measuring the flow-rate of a gas by means of ultrasound
- 6553849 – April 29, 2003 – Electrodynamic particle size analyzer
- 6569393 – May 27, 2003 – Method And Device For Cleaning The Atmosphere
- 0056705 A1 – March 17, 2005 – Weather Modification by Royal Rainmaking Technology
- 6890497 – May 10, 2005 – Method For Extracting And Sequestering Carbon Dioxide
- 2446250 – January 4, 2007 – A dust or particle-based solar shield to counteract global warming
- 7965488 – November 9, 2007 – Methods Of Removing Aerosols From The Atmosphere
- 8048309 – August 28, 2008 – Seawater-Based Carbon Dioxide Disposal
- 20100072297 – September 24, 2008 – Method for controlling hurricanes
- 8012453 – October 27, 2008 – Carbon Sequestration And Production Of Hydrogen And Hydride
- 7645326 – January 12, 2010 – RFID environmental manipulation
- 7655193 – February 2, 2010 – Apparatus For Extracting And Sequestering Carbon Dioxide
- 8079545 – December 20, 2011 – Ground based Manipulation and Control of Aerial Vehicle during nonflying operations
- 0117003 – October 5, 2012 – Geoengineering Method Of Business Using Carbon Counterbalance Credits

- 8373962 – February 12, 2013 – Charged seed cloud as a method for increasing particle collisions and for scavenging airborne biological agents and other contaminants



61 Responses to *Extensive List Of Patents*

All ICLEI Members

- Pueblo County, CO, United States

Pueblo County, CO, United States

Garrison Ortiz Title: Commissioner Population: 163591 Member since: 01.10.2020

- City of Menlo Park, CA, United States

City of Menlo Park, CA, United States

Title: Population: 33888 Member since: 27.06.2007

- Village of Pinecrest, FL, United States

Village of Pinecrest, FL, United States

Title: Population: 18223

- Snohomish County, WA, United States

Snohomish County, WA, United States

Dave Somers Title: County Executive Population: 713335 Member since: 28.11.2007

- City of Bend, OR, United States

City of Bend, OR, United States

Sally Russell Title: Mayor Population: 91122 Member since: 01.01.2018

- Sarasota County, FL, United States

Sarasota County, FL, United States

Shannon Staub Title: Chair Population: 433742 Member since: 01.08.2021

- Missoula County, MT, United States

Missoula County, MT, United States

Nicole Rowley Title: County Commissioner and Chair Population: 116130 Member since: 01.12.2016

- City of Gonzales, LA, United States

City of Gonzales, LA, United States

Barney Arceneaux Title: Mayor Population: 9781 Member since: 01.04.2021

- Town of York, ME, United States

Town of York, ME, United States

Todd A. Frederick Title: Chairman Population: 13737 Member since: 24.12.2008

- City of Encinitas, CA, United States

City of Encinitas, CA, United States

Title: Population: 63131 Member since: 01.01.2010

- Town of Coupeville, WA, United States

Town of Coupeville, WA, United States

Title: Population: 1845 Member since: 26.08.2008

- City of Des Moines, IA, United States

City of Des Moines, IA, United States

T.M. Franklin Cownie Title: Mayor Population: 209220 Member since: 12.02.2008

- City of Durango, CO, United States

City of Durango, CO, United States

Christina Rinderle Title: Mayor Population: 18503 Member since: 17.12.2013

- City of Knoxville, TN, United States

City of Knoxville, TN, United States

Indya Kincannon Title: Mayor Population: 183270 Member since: 13.09.2016

- Broward County, FL, United States

Broward County, FL, United States

Title: Population: 1838844 Member since: 11.02.2009

- City of Eugene, OR, United States

City of Eugene, OR, United States

Lucy Vinis Title: Mayor Population: 166575 Member since: 17.12.2013

- Maui County, HI, United States

Maui County, HI, United States

Michael Victorino Title: Mayor Population: 165386 Member since: 01.01.2017

- City of Shoreline, WA, United States

City of Shoreline, WA, United States

Chris Roberts Title: Mayor Population: 55333 Member since: 01.03.2021

- City of Vancouver, WA, United States

City of Vancouver, WA, United States

Title: Member since: 01.06.2020

Note! I am witness to a past search as done here, that said V.C.E. started membership in 2006 and evidently has been 'cleaned' & ~~from~~ this copy was made 12-20-21.

- Washtenaw County, MI, United States

Washtenaw County, MI, United States

Sue Shink Title: Commissioner Population: 344791 Member since: 01.12.2019

- City of Roeland Park, KS, United States

City of Roeland Park, KS, United States

Title: Population: 6786

- Town of East Hampton, NY, United States

Town of East Hampton, NY, United States

Peter Van Scoyoc Title: Town Supervisor Population: 22009 Member since: 01.10.2017

- Whatcom County, WA, United States

Whatcom County, WA, United States

Satpal Sidhu Title: County Executive Population: 216274 Member since: 01.07.2018

- City of Maitland, FL, United States

City of Maitland, FL, United States

A. Dale McDonald Title: Mayor Population: 17652 Member since: 01.01.2021

- Leon County, FL, United States

Leon County, FL, United States

Title: Population: 287074 Member since: 01.11.2018

- City of Portland, OR, United States

City of Portland, OR, United States

Portland's commitment to sustainability began before the Rio Earth Summit in 1992, and has resulted in the city developing strategies that incorporate municipal policy and urban planning to foster growth of the green economy and create more liveable neighborhoods. The city has worked to integrate sustainability principles throughout all of its operations and policies.

Ted Wheeler Title: Mayor Population: 619360 Member since: 22.07.1991

- City of Scottsdale, AZ, United States

City of Scottsdale, AZ, United States

Solange Whitehead Title: Councilmember Population: 250602 Member since: 01.05.2021

- City of Helena, MT, United States

City of Helena, MT, United States

Wilmot Collins Title: Mayor Population: 30809 Member since: 01.10.2018

- Town of Breckenridge, CO, United States

Town of Breckenridge, CO, United States

Eric Mamula Title: Mayor Population: 4896 Member since: 16.01.2009

- City of Urbana, IL, United States

City of Urbana, IL, United States

Urbana is part of the Urbana-Champaign micro-urban community. The term “micro-urban” applies to population centers of 250,000 or less that possess a highly uncommon set of desirable attributes normally exclusively associated with much larger metropolitan centers. Among these are an internationally diverse population, a strong technology base, a vibrant arts/culture/entertainment scene, and a palpably animated public discourse on major societal and global concerns.

Diane Marlin Title: Mayor Population: 41250 Member since: 26.11.2008

- City of College Park, MD, United States

City of College Park, MD, United States

Patrick L. Wojahn Title: Mayor Population: 32275 Member since: 16.05.2007

- City of Dallas, TX, United States

City of Dallas, TX, United States

Eric Johnson Title: Mayor Population: 1317929 Member since: 01.10.2017

- Orange County, FL, United States

Orange County, FL, United States

Jerry L. Demings Title: Mayor Population: 1314367 Member since: 10.06.2003

- City of Tacoma, WA, United States

City of Tacoma, WA, United States

Tacoma is a mid-sized urban port city and is the county seat of Pierce County, Washington. The City of Tacoma is a coastal city, sitting on the Puget Sound, and is situated between Seattle and the state capital. Tacoma ranks as the third largest state in Washington and serves as the center of business activity for the South Sound region.

Victoria Woodards Title: Mayor Population: 202308 Member since: 19.07.2007

- City of Goshen, IN, United States

City of Goshen, IN, United States

Title: Population: 33566 Member since: 01.12.2019

- Village of Tuxedo Park, NY, United States

Village of Tuxedo Park, NY, United States

Title: Population: 600 Member since: 01.07.2021

- Town of Wellesley, MA, United States

Town of Wellesley, MA, United States

Jack Morgan Title: Chair Population: 29215 Member since: 24.08.2008

- City of Birmingham, AL, United States

City of Birmingham, AL, United States

Randall Woodfin Title: Mayor Population: 212237 Member since: 01.09.2017

- Town of Berwyn Heights, MD, United States

Town of Berwyn Heights, MD, United States

Title: Population: 3261 Member since: 01.06.2020

- City of Berkeley, CA, United States

City of Berkeley, CA, United States

Jesse Arreguín Title: Mayor Population: 118853 Member since: 20.03.2019

- City of Spokane, WA, United States

City of Spokane, WA, United States

Breann Beggs Title: Council Member Population: 217300 Member since: 01.06.2020

- City of Eau Claire, WI, United States

City of Eau Claire, WI, United States

Andrew Werthmann Title: Council Vice President / Acting President Population: 66278
Member since: 22.10.2012

- City of Bath, ME, United States

City of Bath, ME, United States

Mari Eosco Title: City Councilor, Chair Population: 8329 Member since: 01.04.2019

- City of Albany, NY, United States

City of Albany, NY, United States

Kathy Sheehan Title: Mayor Population: 97856 Member since: 01.05.2020

- City of Charleston, SC, United States

City of Charleston, SC, United States

John Tecklenburg Title: Mayor Population: 130113 Member since: 05.04.2007

- City of Santa Cruz, CA, United States

City of Santa Cruz, CA, United States

Santa Cruz is the County seat nestled between the oceans and mountains where public agencies and residents are mutually committed to progressive climate protection policies and actions. City climate activities are coordinated through the City's Climate Action Program, housed in the City Manager's office.

Martine Watkins Title: Mayor Population: 63789 Member since: 17.08.2001

- Borough of Lewisburg, PA, United States

Borough of Lewisburg, PA, United States

Elijah Farrell Title: Council Member Population: 5730 Member since: 01.05.2020

- City of Deerfield Beach, FL, United States

City of Deerfield Beach, FL, United States

Title: Population: 75018

- City of Durham, NC, United States

City of Durham, NC, United States

Steve Schewel Title: Mayor Population: 274291 Member since: 01.12.2019

- Town of Andover, MA, United States

Town of Andover, MA, United States

Title: Population: 36500 Member since: 01.03.2021

- City of Redmond, WA, United States

City of Redmond, WA, United States

Angela Birney Title: Mayor Population: 52406 Member since: 01.01.2020

- City of Greenville, SC, United States

City of Greenville, SC, United States

Knox H. White Title: Mayor Population: 66928 Member since: 01.07.2018

- City of Peekskill, NY, United States

City of Peekskill, NY, United States

Kathie Talbot Title: Deputy Mayor Population: 24746 Member since: 01.08.2019

- City of Bowling Green, OH, United States

City of Bowling Green, OH, United States

Michael Aspacher Title: Mayor Population: 31504 Member since: 01.08.2021

- City of Foster City, CA, United States

City of Foster City, CA, United States

Title: Population: 30567 Member since: 03.04.2008

- Metropolitan King County, WA, United States

Metropolitan King County, WA, United States

Dow Constantine Title: County Executive Population: 2117125 Member since: 26.03.2007

- City of Lawrence, KS, United States

City of Lawrence, KS, United States

Lisa Larsen Title: Mayor Population: 95358 Member since: 04.09.2007

- City of Santa Ana, CA, United States

City of Santa Ana, CA, United States

Vicente Sarmiento Title: Mayor Population: 334217

- Jefferson County, CO, United States

Jefferson County, CO, United States

Title: Population: 565524 Member since: 01.01.2020

- City of Newark, NJ, United States

City of Newark, NJ, United States

Title: Population: 277140 Member since: 01.08.2020

- District of Columbia, United States

District of Columbia, United States

Muriel Bowser Title: Mayor Population: 693972 Member since: 20.02.2008

- Town of Gardiner, NY, United States

Town of Gardiner, NY, United States

Franco Carucci Title: Board Council Member Population: 5664 Member since: 01.04.2021

- City of Kalamazoo, MI, United States

City of Kalamazoo, MI, United States

Jeanne Hess Title: Commissioner Population: 76200 Member since: 01.12.2020

- City of Beaverton, OR, United States

City of Beaverton, OR, United States

Lacy Beaty Title: Mayor Population: 93542 Member since: 05.10.2007

- City of Kent, OH, United States

City of Kent, OH, United States

Jerry T. Fiala Title: Mayor Population: 30071 Member since: 01.05.2018

- City of Laramie, WY, United States

City of Laramie, WY, United States

Erin O'Doherty Title: Council Member Population: 32473 Member since: 01.03.2020

- City of Snoqualmie, WA, United States

City of Snoqualmie, WA, United States

Matthew R. Larson Title: Mayor Population: 13190

- City of Bellevue, WA, United States

City of Bellevue, WA, United States

John Chelminiak Title: Mayor Population: 120000 Member since: 01.10.2019

- City of Minneapolis, MN, United States

City of Minneapolis, MN, United States

Minneapolis is the largest city (by population) in the state of Minnesota. It is bisected by the Mississippi River and shares an eastern border with the state's political capital, it's "twin" city, Saint Paul. Minneapolis has one of the best public park systems in the country, has extensive bicycling routes and trails, hosts two light rail lines; and has plans to double its downtown residential population to 70,000 by 2025.

Jacob Frey Title: Mayor Population: 407207 Member since: 24.09.1992

- City of Tallahassee, FL, United States

City of Tallahassee, FL, United States

John Dailey Title: Mayor Population: 190894 Member since: 19.01.2000

- Island County, WA, United States

Island County, WA, United States

Janet St. Clair Title: Commissioner Population: 85141 Member since: 01.12.2020

- City of Winter Park, FL, United States

City of Winter Park, FL, United States

Phil Anderson Title: Mayor Population: 30208 Member since: 01.05.2018

- City of Westminster, CO, United States

City of Westminster, CO, United States

Title: Population: 112798 Member since: 01.11.2018

- Town of Windsor, CA, United States

Town of Windsor, CA, United States

Dominic Foppoli Title: Mayor Population: 27555 Member since: 01.05.2017

- City of Kenmore, WA, United States

City of Kenmore, WA, United States

Title: Population: 23097 Member since: 01.07.2020

- City of Peoria, AZ, United States

City of Peoria, AZ, United States

Cathy Carlat Title: Mayor Population: 163226 Member since: 01.05.2020

- Town of Tuxedo, NY, United States

Town of Tuxedo, NY, United States

Kenneth English Title: Town Supervisor Population: 3536 Member since: 01.06.2021

- City of La Crosse, WI, United States

City of La Crosse, WI, United States

Tim Kabat Title: Mayor Population: 51567 Member since: 01.12.2020

- City of Hallandale Beach, FL, United States

City of Hallandale Beach, FL, United States

Sabrina Javellana Title: Vice Mayor Population: 37113 Member since: 01.11.2019

- Montgomery County, MD, United States

Kevin Duggan is city manager, Mountain View, California.

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ICLEI USA's COP26 Delegation Brings the Voice of U.S. Cities and Regions to the United Nations Climate Conference

👤 Kale Roberts(<https://icleiusa.org/author/kale-robertsiclei-org/>)

📅 November 17, 2021(<https://icleiusa.org/2021/11/17/>)



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Keep 1.5 Alive

Although the United Kingdom, host to the 26th United Nations Conference of the Parties (COP26) on climate, gave the event its official slogan of “uniting the world to tackle climate change”, by the end of the conference’s second week, it’s unofficial tagline resounded throughout the halls.

Hosted each year by a different country, the COP is the UN’s highest-level meeting on climate and convenes presidents and prime ministers from across the world to hash out the details for combating climate change. This year, the UK Presidency and world leaders were under enormous pressure from local governments, NGOs, businesses and millions of people around the world to deliver updates to the Paris Agreement that can secure a future for our planet that limits warming to no more than 1.5 degrees Celsius. The stakes were incredibly high.

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ICLEI USA brought a delegation of five local leaders — **Mayor of Des Moines Frank Cownie, Mayor of Miami-Dade County Daniella Levine Cava, Mayor of Pittsburgh Bill Peduto, Commissioner of Travis County Brigid Shea, and Councilmember of Maui County Kelly King** — to ensure the voice of U.S. local governments were heard in the negotiations.

Watch our takeaways webinar, “I was at COP26 and here is what U.S. local governments need to know” to hear directly from the delegates. Watch recording here. (<https://vimeo.com/648764606>)

What is ICLEI’s Role in COP?

ICLEI has a special role in international climate processes, serving at the global level as the focal organization to the United Nations (UN) for cities, towns and regions. In fact, ICLEI serves this role not only for climate change, but also for nature and land use.

This distinction for ICLEI has a history dating back to the early 1990s, when the UN hosted the forest Earth Summit in Rio de Janeiro, Brazil. At the summit, the world established three environmental “conventions” on climate, biodiversity, and desertification. Nine major constituency groups to the UN, representing women, labor, youth and more, serve as voices of their interests to these conventions — and ICLEI is proud to serve this role for our member and nonmember local governments on each theme.

U.S. elected officials can be involved in the climate, biodiversity, and desertification COPs each year as part of their community’s membership with ICLEI.

ICLEI USA Delegation Brings Messages to the U.S. Federal Government and United Nations

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ICLEI USA delegation meets with U.S. National Climate Advisor, Gina McCarthy to discuss federal support to local climate initiatives. Left to right: Councilmember Kelly Takaya King, Maui County; Commissioner Brigid Shea, Travis County; Mayor Frank Cownie, City of Des Moines; Gina McCarthy; Mayor Sylvester Turner, City of Houston; and Mayor Rick Kriseman, City of St. Petersburg.

ICLEI USA delegates in Glasgow advocated that U.S. cities and counties are at the forefront of climate action — and that their efforts are largely the reasons the United States was able to submit a stepped-up national climate plan ahead of COP26. Indeed, ICLEI analysis (https://e-lib.iclei.org/LGMA/ICLEI_LGMA%20towards%20COP26-21_20211020.pdf) shows that of those nations that submitted more ambitious climate plans, more than 70% were able to do so by collaborating with local governments.

"We are very excited to see the Biden Administration step up and say that not only are they in, but they are willing to work in a multilevel fashion for all of us to succeed in this," Mayor Frank Cownie of Des Moines, who serves as ICLEI President globally, told the opening press conference (<https://unfccc-cop26.streamworld.de/webcast/iclei-local-governments-for-sustainability>) on October 31, which coincided with World Cities Day for the first time. Des

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Moines is grappling with climate impacts following recent years of climate-induced weather disaster. "I think that this really excites us, that we can make progress, that from the national level, to the state level, to the county level to the local level, we're all in this," he says. "We all see the opportunity. We need to share our best practices, we need to declare a climate emergency at all levels."

ICLEI's leader spoke at more than 50 events, including in the U.S. federal government's Climate Center, the U.S. Climate Action Center, and the Multilevel Action Pavilion, which ICLEI hosted in partnership with the Scottish Government.

Maui County Councilmember Kelly Takaya King, who serves on ICLEI USA Board, spoke alongside EPA Administrator Michael Regan in an event hosted by Japan, saying "What we're trying to drive home is the need for collaboration across all levels of government — city, county, state, and federal. And also collaboration horizontally from county to county, and working with cities in other states."

In addition to speaking, the ICLEI USA delegation met with U.S. and international climate leaders. During one meeting with U.S. National Climate Advisor, Gina McCarthy, the delegation outlined what support U.S. cities and counties need from the federal level.

- **We can learn from the experience from previous rounds of the Energy Efficiency and Conservation Block Grant Program:** "Skip the state," Commissioner of Travis County Brigid Shea, who serves as ICLEI USA Board Chair, told McCarthy. "When money gets to local governments, we know how to spend it."
- **Recognize that state and local politics impact availability of finance.** For instance, some state governors may take hostile positions on climate or toward individual cities. Direct finance to local governments ensures that climate-related funding delivers on programs that benefit communities quickly.
- **Remove restrictions on resilience finance**, such that only the largest sized cities have access to funding or that local governments must meet cumbersome pre-approvals prior to accessing post-disaster

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funding. Climate action must be delivered in communities of all shapes and sizes, rural and urban, and including at the county level.

'Multi-level Action' is the New Normal for the Paris Agreement

The Paris Agreement includes the historic mention of local governments, recognizing the importance that cities and regions play as the first responders on climate change. But coming into COP26, key issues around adaptation and finance contained in the Article 6 of the agreement remained to be resolved.

By the end of the two weeks, ICLEI's advocacy efforts paid off: The final draft text for the Paris Agreement includes reference to local governments multiple times as well as the need for multilevel action. ICLEI USA's leaders are returning to the U.S. to take the work forward, summarized in a four-point call to action (https://www.cities-and-regions.org/wp-content/uploads/lgma_glasgow_time4multilevelactionroadmap_final.pdf):

1. Ensure that **collaboration across all levels of government** is the new normal for the Paris Agreement
2. Invest **climate-related funding** from the federal government and the private sector directly in communities by working through nonprofit networks, such as ICLEI
3. Make **environmental justice the core of climate action**, including through integrated climate planning that addresses gender, food, nature, and health
4. Get **even more local governments** in the ICLEI USA network involved

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Councilmember Kelly King of Maui County, Hawai'i and ICLEI USA Board Member (second from right) brings a call for a circular economy to bolster coastal communities' resilience in the U.S. Center, the United States' federal pavilion during an ICLEI-coordinated event at COP26. Also pictured, from left: Mayor Todd Gloria, City of San Diego; Crystal Bergemann, Senior Advisor on Climate, Office of the Secretary at U.S. Department of Housing and Urban Development; and Mayor Michael P. Cahill, City of Beverly, Mass.

Bringing the COP26 Outcomes Home to U.S. Communities

As we close 2021, local-state-federal climate action collaborations are moving into gear. With the success of the ICLEI150 Race to Zero (<https://icleiusa.org/race-to-zero/>) and passage of the bipartisan infrastructure bill, ICLEI members possess a science-based emission reduction target (<https://seureservercdn.net/50.62.89.79/v56.521.myftpupload.com/wp-content/uploads/2021/11/Analysis-of-U.S.-Local-Government-Science-Based-Targets-and-Pathways-to-Achieve-Them-in-the-Race-to-Zero-Working-Paper.pdf>) to support their funding requests to the U.S. Department of Energy's Energy Efficiency and Conservation Block

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Grant (EECBG) and a strong mandate to advocate that state regulators and legislators enact policies to move the nation's electricity grid to a minimum of 60% carbon-free electricity by 2030.

Meanwhile, as local leaders address the urgency of the climate emergency, ICLEI is ramping up the Race to Zero companion campaign, Race to Resilience (<https://citiesracetoresilience.org/>), in 2022. This integration to local climate action provides cities and counties with a holistic, multilevel approach to sustainability. COP27 is already announced for November 2022, hosted by Egypt, where climate adaptation will feature prominently.

If you're a local leader interested in being involved in ICLEI's global advocacy work, contact Kale at kale.roberts@iclei.org.

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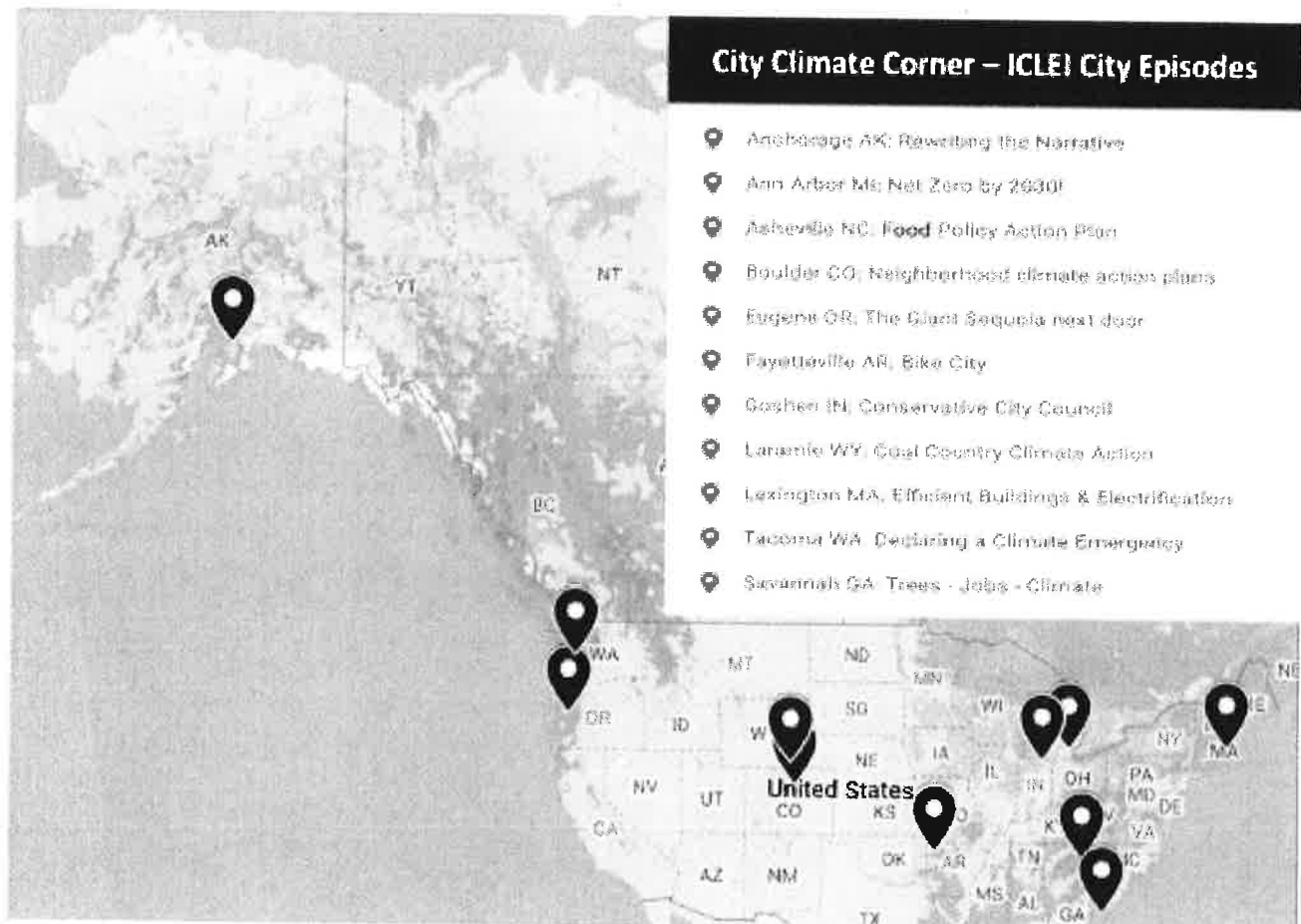


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The Power of Podcasts: ICLEI USA Members Share Climate Action Stories with City Climate Corner

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📅 December 2, 2021(<https://icleiusa.org/2021/12/02/>)



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Sharing Climate Action Stories

ICLEI- Local Governments for Sustainability is the first and largest global network of local and regional governments dedicated to advocating, collaborating, and sharing about local climate action to create a fair, sustainable future for all.

The ICLEI USA network consists of over 300 members passionate about local action that follows low emissions, nature-based, equitable, resilient, and circular development pathways. Together, ICLEI USA, our members, and partners work to keep 1.5 °C alive through data-driven approaches and focus on just and equitable communities.

Not only do ICLEI USA members collaborate and share solutions for multilevel action, but our members are sharing their insights with the world through the collective power of podcasts.

Eleven ICLEI USA members shared their community's climate action and sustainability initiatives with City Climate Corner (<https://www.cityclimatecorner.com/>), a podcast that explores how small and mid-sized cities are tackling climate change and moving toward an equitable and sustainable future.

By sharing their sustainability stories through podcasts, our members inspire other communities to take ambitious, local climate action. Storytelling is a powerful way to connect communities to collaborate across all levels of government to address the climate crisis.

Are you interested in sharing your community's climate story?

If you are part of a small to mid-sized city or town (~ less than 200K in population) and have a climate change related story, challenge, or policy implementation from which others can learn, please send City Climate Corner an email at cityclimatecorner@gmail.com

Note: has VCC sent e-mail reports? !?

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(mailto:cityclimatecorner@gmail.com) for an opportunity to be interviewed on the podcast.

ICLEI USA Member Episodes

Tune in and listen to City Climate Corner episodes featuring ICLEI USA members

(<https://www.google.com/maps/d/u/0/viewer?mid=1fRTwI2bmm1vFAj3VZH9dP6mAkk5LO9j&ll=50.26848036475609%2C-113.48607129999998&z=3>) and learn from communities across the United States! ICLEI USA member episodes are available on the links below or wherever you listen to podcasts.

Anchorage AK: Rewriting the Narrative, 3/16/21
(<https://www.cityclimatecorner.com/episodes/anchorage-alaska-creating-a-new-narrative>)

What does it look like to engage in a just transition? How can city climate action benefit from inclusive engagement? How do you change an entrenched fossil fuel story about the Alaskan economy? We learn about the impact local entities can have when they work together to address big issues.

Ann Arbor MI: Net Zero by 2030! (<https://www.cityclimatecorner.com/episodes/ann-arbor-mi-net-zero-by-2030>) **7/20/21**

About a year ago Ann Arbor adopted an audacious plan of reaching carbon neutrality by 2030 with a total investment of \$1 billion. This is faster than just about any other city in the country. We hear how Ann Arbor is doing so far, and how they're going to achieve their goal.

Asheville NC: Food Policy Action Plan (<https://www.cityclimatecorner.com/episodes/asheville-nc-food-policy-action-plan>), **9/14/21**

Asheville, NC adopted a food policy action plan in 2013 and updated it in 2017 to ensure residents have access to healthy, nutritious food in the context of creating a thriving and resilient city. We delve into what the plan is, how it relates to climate change, and how it has impacted the city.

Boulder CO: Neighborhood climate action plans

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(<https://www.cityclimatecorner.com/episodes/boulder-co-neighborhood-climate-action-plans>), **5/25/21**

Boulder Colorado is embarking on a hyper-local neighborhood-based approach to climate action. We learn about an exciting new program to get residents involved and create social capital in the process.

Eugene OR: The Giant Sequoia next door,
(<https://www.cityclimatecorner.com/episodes/eugene-or-the-giant-sequoia-next-door>) **10/26/21**

Eugene Oregon has some hugely impressive trees and canopy management tools. We learn how trees are intimately woven into Eugene's climate action plan and how Giant Sequoias are a key part of their urban forest.

Fayetteville AR: Bike City (<https://www.cityclimatecorner.com/episodes/fayetteville-ar-bike-city>), **5/11/21**

In February 2021 Fayetteville was the first city in the US to be awarded the designation of Bike City by the Union Cycliste Internationale (UCI), the world governing body of cycling. We learn about their approach to cycling infrastructure in this northwest Arkansas city of about 85,000 people.

Goshen IN: Climate Action with a Conservative City Council
(<https://www.cityclimatecorner.com/episodes/goshen-in-climate-action-with-a-conservative-city-council>), **4/27/21**

Goshen is a northern Indiana city of 35,000 people that has had a Republican majority City Council and a Democratic mayor for decades. Yet they've made strong progress on climate action. Learn how (hint - young people played a significant role).

Laramie WY: Coal Country Climate Action
(<https://www.cityclimatecorner.com/episodes/laramie-wy-coal-country-climate-action>), **7/6/21**

39% of the nation's coal comes from Wyoming. Yet there are some strong local movements for renewable energy and climate action. Learn how a unique and powerful coalition of climate activists, university students, and

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city officials inspired Laramie's recent commitment to achieving carbon neutrality by 2050.

Lexington MA: Efficient Buildings & Electrification
(<https://www.cityclimatecorner.com/episodes/lexington-ma>), **8/3/21**

Over a decade ago Lexington adopted a stretch energy code for buildings. Then about 20% better than the existing code, this stretch code was adopted statewide and eventually in 47 other states. Now Lexington has built several all electric buildings and is looking to do more, including banning new fossil fuel infrastructure.

Tacoma WA: Declaring a Climate Emergency
(<https://www.cityclimatecorner.com/episodes/tacoma-wa-declaring-a-climate-emergency>), **6/22/21**

In December 2019, Tacoma declared a climate emergency. We examine why they did it and how it has been a springboard for more aggressive climate goals and an increased focus on climate justice.

Savannah GA: Trees - Jobs - Climate (<https://www.cityclimatecorner.com/episodes/savannah-ga-trees-jobs-climate>), **8/31/21**

In 2018, Savannah received a grant to create an urban tree nursery to grow their tree canopy, mitigate the increasing impacts of climate related flooding, do workforce development, and engage the community. We learn how the program has gone and the life-changing impacts it has had.



(<https://iclei.org>)

City and County Leaders Crucial to Meeting U.S. Climate Commitments

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📅 October 26, 2021(<https://iclei.org/2021/10/26/>)



Meet Your ICLEI USA COP26 Delegation!

We are pleased to announce five elected officials
representing ICLEI members in the US during the COP26.



Mayor Daniella Levine Cava
Mayor, Miami-Dade County, FL



Mayor Cownie
Mayor, City of Des Moines, IA



Council Member Kelly King
Council Member, Maui County, HI



Mayor Peduto
Mayor, City of Pittsburgh, PA



Commissioner Brigid Shea
County Commissioner, Precinct 2,
Travis County, TX

*The historic Paris Climate Agreement recognized local governments as critical to
achieving global climate
outcomes. Nations cannot succeed without the full and active participation of
local communities, led by
elected officials who demonstrate bold action.*

The delegation of ICLEI – Local Governments for Sustainability USA (ICLEI) leaders

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*at the UNFCCC's 26th
Conference of the Parties (COP26) underscores the importance of the US
government partnering with
local governments to meet national climate targets. ICLEI USA and its delegation
bring evidence of
moving beyond commitments to concrete actions to reduce greenhouse gas
emissions at the local level.*

*ICLEI USA announced today its delegation of five local leaders representing the
ICLEI network.*

Honorable Mayor Frank Cownie Des Moines, IA and ICLEI USA President. Mayor Cownie is also a leader in the US Conference of Mayors and a leader in several UN initiatives including the SE4All 24/7 carbon free electricity compact. Des Moines is the first U.S. city to enact a resolution to secure carbon-free electricity every hour of every day by 2035.

Councilmember Kelly Takaya King Maui County, HI and ICLEI USA Board Member. The council member is a longtime business leader in renewable fuels and serves as a local government representative to the U.S. Environmental Protection Agency's advisory group. Her goals for Maui span the field of sustainability, especially toward closed-loop, circular economic development.

Honorable Mayor Daniella Levine Cava Miami-Dade County, FL. Miami-Dade County is the largest in Florida and one of the most populous in the country, and faces direct challenges from climate change such as rising sea levels, extreme heat, hurricanes, and others. Prior to her trip to COP26, Mayor Levine Cava will unveil Miami-Dade's new Climate Action Strategy – a comprehensive plan outlining ways County government is working to cut greenhouse gas emissions 50 percent by 2030 from 2019 levels, with the objective of

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reaching net zero by 2050. For the last 30 years, Miami-Dade has proudly partnered with ICLEI to inventory our greenhouse gases and project goals for getting to zero emissions. The Mayor was also recently invited to join the Global Resilience Cities Network (R-Cities) Mayors and City Leaders Taskforce of the Resilient Cities Network.

Honorable Mayor Bill Peduto Pittsburgh, PA and ICLEI USA Board Member.

Mayor Peduto represents

North America as a board member to the Global Covenant of Mayors for Climate and Energy. Mayor

Peduto was awarded first place for the 14th Annual Climate Protection Awards, an initiative sponsored by

The U.S. Conference of Mayors (USCM) and Walmart. Last November, he released a Marshall Plan for

MidAmerica, which would diversify the regions energy production and economy and reduce inequality.

Commissioner Brigid Shea Travis County, TX and ICLEI USA Board Chair.

The commissioner serves as a city ambassador for the Cities Climate Finance Leadership Alliance. She is the co-founder of SOS, Austin's

historic law to save Barton Springs, and has been a climate activist for 33 years. She has pioneered

programs to improve community preparedness for devastating climate impacts. Her Neighborhood Fire

Drills won the National Association of Counties excellence award.

These leaders will demonstrate bold action they are taking to reduce carbon emissions to zero by 2050

while protecting their communities from the devastating effects of climate-driven extreme weather,

promote climate justice, and create new economic opportunities in their communities.

"It is inspiring to see all the local governments that are stepping up and fighting climate change by

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reducing greenhouse gas emissions. It is our communities that are on the front line, bearing the brunt of climate disasters and creating new ways to be better prepared,” said **Brigid Shea, ICLEI USA Board Chair and Travis County TX Commissioner**. “We are full partners with the US and other nations of the world in tackling this enormous challenge.”

“Climate Change is happening globally, we are held accountable nationally and we are managing mitigation efforts locally. It’s important that we bring together all levels of government, nonprofit and advocacy partners on an international scale to host an ambitious, inclusive 2021 United Nations Climate Change Conference. The City of Pittsburgh is honored to represent our region with several local partners and the global community to collaborate and find scalable solutions so that our recoveries are infused with equitable economies that promote sustainable industries,” said **William Peduto, ICLEI USA Board Member and Mayor of Pittsburgh**.

“This is a critical moment for our community and for the world to address the threat of climate change and to build a cleaner, greener, more stable, and more prosperous future,” said **Miami-Dade Mayor Daniella Levine Cava**. “In Miami-Dade County, climate change is not a distant danger on the horizon, but a growing threat already at our doorstep. I’m excited to head to Glasgow to connect with leaders from around the globe as we work together to adapt and invest in tackling the impacts of a changing climate head-on.”

“Leaders have gathered at COP26 during the pandemic because climate

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change is the most profound
crisis we face as a global community and there is no more time to waste.
Local governments have
proven that success is possible, and we stand ready to share our knowledge
with those who are unsure
where or how to begin. We must end our decades of hollow discussion and
undertake the initiatives
necessary to solve this urgent crisis. Join me and my fellow partners at ICLEI
and together we can stem
the rising tide of climate change," said **Frank Cownie, ICLEI USA President
and Mayor of Des Moines.**

and

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Councilmanic Interference: When a Councilmember Crosses the Line

Kevin Duggan

Of all the things I thought I would encounter in my career, testifying in front of a grand jury and then a superior court jury on the history and purpose of the council-manager form of government and on how a councilmember had violated it, was not one of them. This is the story of a city manager dealing with one of the most challenging professional experiences imaginable—reporting a councilmember for misconduct.

Those of us who have chosen the profession of local government management recognize that establishing and maintaining effective working relationships with councilmembers can be among our most important and challenging responsibilities. However, I never anticipated that the issue of a councilmember's attempts to thwart the principles of the council-manager form would become one of the toughest episodes in my own professional life.

Any of us who have been in this business for any length of time have encountered a few councilmembers who choose to "push the envelope" in influencing the administrative/management side of local government. Always, I have tried to avoid the politicization of basic local government services while understanding that councilmembers must be informed about and relate to some of the nonpolicy aspects of governing.

In most cases, we can find a reasonable balance. Even when a councilmember clearly crosses over into the area of an inappropriate attempt to influence staff's administrative responsibilities, the issue can generally be resolved through the manager's diplomatic yet clear explanation of the problems being caused. Often, councilmembers do not fully understand the impact that they are having on staff and will commit themselves to taking a different approach once they do. I also believe that most of us in our profession pride ourselves on helping councilmembers succeed in their roles and "keeping them out of trouble" when necessary.

This story is about what happened when the above-noted techniques did not work and a manager was faced with a tough choice between undesirable options. In this particular case, the impasse resulted in a decision by the city attorney and myself to report a councilmember's (the then-mayor's) misconduct to the district attorney. And this move eventually resulted in the councilmember's removal from office.

A byproduct of the decision was an attempt by this councilmember and his attorney to put the management of the organization on trial, together with, effectively, the council-manager form of government.

The Problem

While issues concerning the councilmember's conduct came to a head early in his second four-year term, problems with his conduct manifested themselves earlier in his tenure.

Understanding that Mountain View is in the middle of Silicon Valley but that the community's heritage is farming, it's helpful to know that the difficult councilmember came from a longtime local farming family, had longstanding ties to the community, and ran on the platform that he would be a "neighborhood councilmember."

Though he had a rather direct interpersonal style, the first year or two of his first term were without major stumbling blocks. Then, a series of increasingly problematic behaviors brought the councilmanic interference issue to a peak during the latter part of his first term and the early part of his second term.

Among the behavior patterns and actions that were problematic were:

- Directly contacting staff at various levels of the organization suggesting, and sometimes demanding, that certain things be done or not done.
- Displays of anger and temper directed at staff members at various levels of the organization.
- Attempting to influence code enforcement activities on properties near his home, including some properties he wanted to buy for personal or family financial gain.
- Communicating the clear expectation that he was entitled to rights and privileges above and apart from other residents because he was "a member of the city family."

Among the incidents that got the most exposure in the press, once the grand jury had issued "accusations" in this case, were these:

- A demand that the police chief be fired for not giving him advance warning of a search warrant to be served on his home as part of a criminal investigation of a family member.
- An order to code enforcement staff to pursue action against a neighboring property owner whose property he wished to acquire.
- Refusal to pay for the replacement of a fire hydrant destroyed by a family member, and outrage displayed when he was billed for the damage.
- Numerous questionable city-charged expenses, including the purchase of a \$700 tuxedo.

- A confrontation with the building official, in which the councilmember demanded that a multimillion-dollar, private construction project be shut down immediately because he thought the construction crane being used was unsafe and that the developer was too influential in the community.

As if the actions described above were not enough, the incidents that brought the interference issue to a crisis were his demands that staff block the development of a property he wished to acquire, immediately adjacent to property already owned by his family. He made it clear that he would see to it that both the planning director and I would be fired if the project were not blocked.

The conclusion that the situation was hopeless came when he asked me into his office one afternoon (while serving his one-year term as mayor) and told me that conditions needed to be placed on the development of the property in question. His aims were to discourage the current owner from proceeding, to lower the value of the property, and to increase the likelihood that the property owner would be willing to sell to him! Interestingly enough, this meeting took place just four hours before my annual council performance evaluation. The implication was clear: how I responded to his demands would influence his approach to my performance evaluation.

Investigation and Trial

Throughout the period of this conduct, both the city attorney and I met individually with this councilmember many times in attempts to correct and modify his behavior. At first, we hoped that our efforts to inform him of the problems and likely consequences of his conduct were succeeding. In one case, when his belligerence had been directed at another council employee—the city clerk—the council was informed of his conduct and intervened to prevent a recurrence.

I even used my closed-session performance evaluation meetings as opportunities to express to the council the increasing need I felt to take action over the improper conduct of a councilmember because of the impact his behavior was having on my ability to carry out my responsibilities.

My goals were to modify the behavior and specifically to protect staff from his attempts to influence their work through confidential, one-on-one meetings. (I recognized the damage that would accrue to the city, the council, and the staff if the matters discussed in the private meetings had to be dealt with publicly.)

When it became apparent that his inappropriate behavior was escalating, that it had crossed legal lines, and that staff could not be shielded from his conduct, the city attorney and I concurred in a decision to report the conduct to an appropriate authority, regardless of the consequences. While we

understood that it was not our role to determine what should be the outcome of any investigation, we felt we were obligated to disclose that the conduct was occurring.

The city attorney and I anticipated that the day might come when we could not adequately mitigate this conduct. We believed our recourse would likely be to report the conduct to the rest of the council. Because the conduct had become so severe and the legal implications so serious, however, we decided that referring the matter to the district attorney was an option that needed to be considered.

One of the drawbacks of referring the matter to the council was that this move would require that accusations be made public prior to an independent investigation. Because of the "sunshine" laws in California, the council would have to consider the allegations in open session.

Additionally, any such investigation begun by the council would likely have been seen as politically motivated by this councilmember and his supporters. After consulting with two other councilmembers and the vice mayor (because the councilmember in question was mayor), we decided that the city attorney would consult with the district attorney of Santa Clara County. Each councilmember, including the mayor, was notified of this referral.

Based on his independent review of the facts, the district attorney chose to investigate the matter. Surprisingly, during the five-month investigation, this activity did not leak to the press. Needless to say, we found it extremely awkward working with the mayor during this period; also, many city employees had to be interviewed by a district-attorney investigator as part of the probe.

While the district attorney considered filing criminal charges on a number of counts, he finally determined to charge the mayor under a little-known and rarely used provision of California state law that provides for the removal from office of an elected official for misconduct. This procedure requires that a grand jury find sufficient basis for "accusations" to be filed against the elected official, then for a superior court jury to find the elected official guilty on the same standard of proof as required for a criminal conviction (unanimous agreement "beyond a reasonable doubt").

What followed were the closed grand jury proceedings, which involved the testimony of several city employees. In my case, testimony included an extensive explanation of the council-manager form of government and its adoption in the city charter.

One month later, the grand jury issued its "accusations" against the mayor for corruption and willful misconduct. The grand jury transcript also was released, detailing all the instances of misconduct. Next came a media frenzy that

covered the entire San Francisco Bay area. Living through this media blitz and being personally featured in the coverage were unpleasant experiences for me and for other staff members.

Anticipating the action of the grand jury, the mayor already had hired one of the most high-powered defense attorneys in Santa Clara County, who immediately began his media campaign to question the motivation of the mayor's chief accusers, namely, the city attorney and myself. The mayor also had used the period of the investigation to prepare his key supporters to take the offensive. The "spin" was that the city manager and city attorney were out to "get" the mayor for a variety of reasons, ranging from our desire to control city government to our fear for our jobs, as he claimed that he had been critical of our performance. However, no such criticism was ever evident to us, either within or outside the context of our annual performance evaluations.

Of particular note was the premise of the defense attorney that, since council-manager government did not allow this councilmember to directly intervene in the organization on behalf of his constituents, he could simply ignore the city charter and its council-manager provisions in order to address citizen concerns.

This attorney also suggested that, since some communication and contact with city staff are permitted, primarily to respond to routine inquiries, there had been no clear demarcation line to determine "councilmanic interference."

Meanwhile, the mayor was able to pack one council meeting with supporters who made it clear that they felt he was being unjustly prosecuted. For the first time in my career, I had members of the public saying the city attorney and I should resign for overreacting to the mayor's behavior. Not only was it evident that the mayor was not going to resign, but also that he was going to fight the charges vigorously and accuse his accusers in the process.

For a manager who prefers a low-profile approach to city management, this was quite a turn of events. What ensued was four months of media coverage leading up to the public trial. Having my own integrity and job security challenged in the media by the mayor's attorney and supporters was to me particularly frustrating. The councillor's (through the normal rotation process, he was again a councilmember at the time of the trial) legal defense strategy was to put his accusers on trial.

During the lead-up to the trial, it was important to me that the matter not become too great a distraction from the organization, or a significant impediment to the work of the city. I needed to avoid appearing distracted and preoccupied if city staff were to continue to function effectively. Also, the city attorney and I had to deal with the anxiety of staff members who were subpoenaed to testify at the trial.

The trial started off on a less-than-positive note, with the district attorney needing to drop three of the four accusations (counts) brought against the councilmember relating to the property conflict of interest. Bizarrely, it was determined that the defendant did not "technically" have a conflict of interest relating to his family's property (even though he and his family lived there) because it was held in trust by his father.

The lone remaining count was violating the city charter by interfering with the responsibilities of the city manager. Therefore, in actuality, the council-manager form of government, and how it functioned in Mountain View, were put on trial. Testimony stretched out for more than two weeks and was covered daily in the media. To say that this was a stressful period is an understatement.

Testifying on the history and purpose of C-M government was certainly one of my most interesting professional experiences. The case clearly became a testing ground for the principles and values inherent in the form. Specifically, it was a testing ground for our professional obligation to shield city staff from political interference and demands for special treatment by an elected official.

The defense attorney attempted to make the case that any councilmember contact with city staff that was condoned by the city manager "opened the gates" for his client's conduct.

More personally, I had the unique experience of being cross-examined about confidential memos I had submitted to the council during my own annual performance evaluation. Also, to counter misinformation from the defense, I took the unusual step of giving the district attorney my most recent performance evaluation to present to the jury!

At the conclusion of the testimony, the wait for the verdict began. After almost four days of deliberations, the jury returned a verdict of "guilty of misconduct in office."

Newspaper editorials called the verdict a "victory for honest government" and suggested that this councilmember was lucky not to have been criminally prosecuted. Ironically, the main reason he was not being prosecuted in this way was his lack of success in getting city staff to do what he wanted. So, in effect, we had saved him from being more legally liable than he would otherwise have been.

Some of his political supporters continued to defend the councilmember, claiming he had been convicted only on a "technicality." In a further attempt to make public relations points, the councilmember resigned one day before the superior court judge was scheduled to sign the removal-from-office order. The

judge, however, refused to acknowledge the resignation as sufficient and issued the removal order anyway.

Lessons Learned

For both the city attorney and myself, opting to publicly accuse a mayor/councilmember of misconduct was one of the hardest decisions of our professional lives. In advance, we knew that this course of action would be difficult and professionally risky. On the one hand, we felt we had no other choice consistent with our professional ethics, but, on the other hand, we realized that the consequences of our action were likely to be significant for the community and for ourselves. While this move was difficult to make, we concluded that we had to act.

Although we as individuals were willing to put up with this councilmember's threats and attempts at intimidation as long as we could block his efforts, when it ultimately became evident that we could no longer fulfill our obligations to the council, staff, city charter, and community without disclosing his behavior, the appropriate course of action became inescapable (regardless of any personal consequences). We saw clearly that the staff could no longer be shielded from his conduct and that we must inform the council that one of its members was acting in a manner not consistent with their stated values, with the city charter, and, most likely, with state law.

The most difficult aspect of these types of situations is determining when the problematic conduct has gotten to the point where there is no alternative besides public disclosure.

Looking back on this experience, we would offer the following observations:

- Recognize that it can be extremely difficult to determine when your personal intervention with a councilmember has not been sufficient to fulfill your professional and ethical obligations to your organization and community.
- Don't underestimate the ability of a core group of supporters to rationalize the behavior of "their guy" and to take the offensive on his behalf.
- Clearly understand at what point you must disclose illegal/unethical conduct, even though you may not play a role in determining the appropriate remedy for the conduct.
- Appreciate that our ultimate responsibility as managers is not to individual councilmembers, but to the council as a whole and to the employees of the organization, the community, the ethics of our profession, and the laws governing the form of government in which we serve.

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- Understand that attempts to establish reasonable flexibility in setting administrative/policy boundaries can later be attacked as removing all such distinctions.
- Appreciate that the value of having a strong working relationship with your city attorney cannot be minimized.
- Develop a mature understanding that doing what is right will often not be easy, may subject you to personal attack, and may have negative personal and/or professional consequences.
- Recognize that, although they probably won't be as vocal as your critics, many members of your community will have increased confidence in you and in the organization for your willingness to confront unethical behavior.
- Realize that acting ethically will result in a confirmation to your organization's employees of your willingness to "walk the talk" in regard to principled conduct.

Conclusion

Fundamental to our service to our communities and our professional values is the need to consider thoughtfully when we as managers are morally, ethically, and/or legally required to confront misconduct. While our primary goal should be to educate those we work with to prevent misconduct, this priority does not absolve us of an obligation to take more drastic action if we are unsuccessful in preventing it.

Our greatest risk is the potential to rationalize that we don't really need to take action when confronted with the negative consequences of doing so. We need to reflect seriously and carefully on this point if we are to be prepared to act.

As we have heard over and over recently in relation to corporate and organizational scandals, the leaders of organizations should be held accountable to answering three questions when illegality or corruption is exposed:

1. What did you know?
2. When did you know it?
3. What did you do about it?

If we are to strive to be leaders of ethical organizations, we must be prepared to respond to these questions. As difficult as my experience was, it meant a chance for our organization to prove its commitment to the values we espouse. And, to say the least, it furnished some unusual and unexpected forums in which to explain the structure and value of the council-manager form of government.

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Interference; when a
Council member Crosses the line.

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