

J. Gainsburgh Open Forum BOS 1/14/2020

E.D.C. Board of Supervisors  
Mayor and City Council. . .

1/14/2020  
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1st offi I wish to offer a copy of these my message and notes into the official record...against the proposed, but still illegal New Placerville Anti-Camping ordinance....

I sincerely PRAY y-o-u Mayor & Council, & A-I-I Placerville residents in our privileged town a Heavenly New Year! This is God's plan for each of us for year 2020...

While we are here in this nice, warm Pv'l town Hall City Council meeting, 100's..in fct, 612 El Dor County homeless are without adequate sheleter tonight. Last Tues night they were in the near freezing rain. My brothers and csisters, and city fathers: this ought N-O-T to be!

**4 WEEKS AGO:** 4 weeks ago I stooe here & advised.. ,. The Pvl Mayor and council with a warning town, the city to NOT pass its new supposedly REvised OAnati-Camping.or Homeless Problem management ordinance.

**THE ORDINANCE THEN & 'CHANGES'**: The ordinance was illegal & unconstitutional then,.. and despite infinitesimal changes . . .and continues to be so.... regarding restrictive hours and plaeso (namely three city limit specified places) as the ONLY sites LEGALLY ALLOWED to set up ones tents after sundown. The picayune "improvements" changed sundown to sunup, to sundown ata night to 8AM to set the tents up and then torn down...is not only Unworkable.... But it is totally contrary to the 9th District Federal Courts Martin VS. (City of) Boise decision regarding criminalizing AND criminally restricting the persons, AND activities of the Homeless.

**HOT TEAM, /// THE Nov 18 illegal Tresppas threat///**

**SINCE THEN: US SUPREME COURT DECISION TO N O T REVIEW MARTIN VS BOISE:** As you must by know know, THE United States SUPREME COURT ( the highest court in the Land) two weeks ago rREFUSED to hear and appeal by the Calif Coalition of counties AGAINST the Martin VS. Boise decision. This means: they upheld Martin Boise: which unequivocally states; No City, County or stte government my criminalize,. Or restrict the homeless .that is.. may NOT MOVE. . THREATEN .. Arrest or MOVE the Homeless from A-N-Y (I repeat) A NY ANY PUBLICI LAND..... whether it be city county or stte.... UNLESS there is a currently available both SHELTERer..and a specific Shelter Bed for that homeless person to moved to.

**Currently STANDING FEDERAL COURT DECISION STILL STANDS!:** Martin vs. Boise not only WAS..but CURENTLY IS... federally binding Law in all 8 Western District states as to its decision. It doesn't matter what the city attorneys opinion on the matter is!; The US Supreme court has Spoken & upheld the currently standing law & decision.

**Calif> Governor Newsom this past week passed a law** along with his new budget: stating that any vacant state property may be used to help set up immediate “LoOW BARRIER SHELTERS” TO DEAL WITHS THE URRENT WOWORSENING STATE-WIDE Homeless crisis.. BUT HE also stated; That ANhy state property leads to the city or cout ites for Affordable Housing Purposes.... Not only May.. but SHOULD be used in the immediate time frame FOR A LOW BARRIER SHELTER FOR THE HOMELESS TO BE PUT

**The CURRENTLY EMPTY, UNUSED PVL ARMORY BUILDING:** The Pvl Armory is currently in a long term quasi “gift-lease” use to the city. And Yes; it is benevolently being considered for affordable housing usage. Commendable, but Not immediate! Our duly elected Governor has just this week directed California cities to U-S-E such properties in the Immediate crisis for “Low Barrier Shelters” to help assuage the current, worsening crisis.

**WHAT IS A ‘LOW-BARRIER SHELTER:’** TAKEN from San Francisco’s successful Navigation Center concept. Low Barrier shelters focus incorporate the “3 P’s”: Pets, People and Possession. **1) Pets:** The make allowance for pets, for which many homeless consider their family. LOW Barrier shelters incorporate kennels or spaces, such as are already available at the Placerville Armory. **2) People:** In addition to male, female gender, couples are not separated if they are claiming couple-hood **3) Possessions:** there is adequate safe, individual storage for EACH client to safely store their tents, sleeping bag, bicycle & other meager possession: the possible loss of which on the street deepens the drowning, whirlpool of homelessness.

**The “HOT TEAM” is HOMELESS itself, having no current place to work out of,** Nor place to bring clients out of the elements into. This currently curtails its effectiveness. This currently curtails their effectiveness, plus adding countless hours going to & from the homeless camps. Plus getting the homeless under shelter would greatly decrease the P.T.S.D. Crisis they live in in 24-7-365, working solely for survival.

**“HOUSING FIRST” vs. LOCAL OPINIONS OF CURRENT POLICE CHIEF / & EDC COUNTY SHERRIF:**

M Its been publicaly stated that there will never be a Homeless shelter in Placerville. What publicly paid employee has the right (or temerity) to ever say such an inhuman thing!

Who IS OUT THERE TONIGHT?? WHO WILL BE UNSHELTERED TOMORROW NIGHT? DOES IT MATTER IF IT IS NOT SNOWING... IF IT IS NOT RAINING...THE PVL? EDC WEATHER FORCECAST FOR THIS WEE is. . .K

One CURRENT WIDOWER HOMELESS WIDOWER, Dan, massive congestive hert failure... How many people must die? ? ? to get the attention of the Pvl city fathers, city mothers & leaders??/

he recent EDC "Point-in-Time Count" tells us we have 612 EDC homeless, who mostly, will have no shelter those 2 nights: Tuesday Christmas Eve & Weds.all day Christmas Day & night.

**The NEWLY REVISED (to be adopted tonight) P'VL CITY ORDINANCE ON HOMELESSNESS: proscribing WHAT THE HOMELESS Can (CAN N-O-T Legally do)..... as currently written . . .IS ILLEGAL.** This ordinance WILL BE FOUGHT AGAINST LOCALLY & statewide. As a regional homeless advocate, the San Francisco A.C.L.U. has contacted me several times, and eagerly awaits my call back Wednesday AM.

**The 9<sup>th</sup> Federal Western District Court unequivocally ruled in "MARTIN VS BOISE"**  
**1st) It is illegal to criminalize the homeless for being homeless 2<sup>nd</sup>) It is equally illegal . . . thus Criminal . . & an Un-Constitutional ACT, for any city/county to move (or relocate) the homeless....force moving THEIR POSSESSIONS.... (or confiscate them) ....U-N-L-E-S-S they HAVE a SHELTER & . . a specific BED....for that individual that day!**

State & Fed. governments ARE finally putting the burden of providing shelter & a bed for the homeless.....on city & County government: nationally & locally.

**Martin Vs. Boise clearly states:** "It is an 8<sup>th</sup> Amendment US Constitution violation and "CRUEL AND UNUSUAL PUNISHMENT" ...to criminalize the homeless . . or force them to move: much less illegally file "trespassing" on ANY public land. Your new ordinance overreaches & wrongly ASSERTS that your city & police have this right!

**JESUS CHRIST WAS HOMELESS.** Jesus says IN Matthew 25: I was a stranger & Homeless...and you Sheltered ME ... (or YOU FAILED TO SHELTER ME." Asked : "LORD, WHEN WERE YOU HOMELESS, He replies: "When You did (or didn't do) TO THE LEAST OF MINE, YOU DID TO ME."

**Long ago, On that Silent Night 'neath an ANGELIC Chorus, JOSEPH & MARY WERE HOMELESS!** UNDER this ordinance, Joseph & Mary would be arrested & forced to birth the SON OF GOD IN BETHLEHEM's CITY JAIL!

**I shared Martin- Boise Fed. legal concerns with the chief of Police last Friday. Jim told me: "Placerville will never have a shelter." I replied: "You may be surprised: God may want it."**

**Immediate Need:** The Nomadic Church-based winter shelter is faithfully doing their part, covering 5 nights (Thurs.-Mon.) **Tuesday & Weds. ARE uncovered.**

Six weeks now I've pled with Council & Supervisors, to open something for Tues. & Weds. Nights: . . . right away thru end of March. The Placerville N'tl GUARD armory's empty. The former P'vl Juvenile Ctr. is empty: with 100 beds, kitchen & rest rooms. The Fairgrounds?

Pastor Don VanDever (Federated Church, & Nomadic Shelter) told me they will staff these two currently unsheltered nights . . . . when a place is opened up.

Surely the City's \$22 million & county's \$680 million budgets can do SOMETHING! .. Don't table the issue! **DO the RIGHT THING; OPEN A TEMPORARY SHELTER! Placerville citizens: come to speak here @open-mike 6PM Tues.'s & to your Supervisors 9am Tues. Am's.** Let your heart & voice be heard for the voiceless!

**One homeless told me: "They won't listen or act... 'til one or more of us DIE!**

I ask you: . . . . **How many . . . must die?**

"Housing First" is nationally proven Fed. & State strategy. Shelter 1<sup>st</sup>, then services. Our Police Chief & Sheriff both openly oppose "Housing First." But "Housing First" is proven economically, sociologically, legally, morally & spiritually across the US. **First: get the homeless under shelter, T-H-E-N** accompany shelter with services, medical, SSI, Counseling, etc. Its not one or the other: (housing or services): . . . God created the chicken...with eggs!

**The current "H.O.T. Team" (Homeless Outreach Team) IS great, but they are "Homeless!" themselves!** They need a place to work from: **a-n-d** a place to bring the Homeless to.

**WE CAN N-O-T LEAVE our Homeless outside: rain-soaked, in below freezing weather, to catch pneumonia & die this winter. You would NOT LEAVE YOUR DOG OR CAT OUT ON A BELOW FREEZING NIGHT. How much less ANY human being?**

**Beloved Placerville: Please** conform your ordinance to Martin-Boise compatibility & don't fight federal law. **PLEASE Do what's expected from the compassionate, intelligent leaders you are! (AT the LEAST), OPEN A SHORT-TERM 2 nights-a-week SHELTER for your unsheltered.**

**Last winter a young homeless girl stumbled into** Main Street Round Table late one sleety, freezing night. I said: "Certainly the ER or Jail will shelter you overnight." She sadly said: "No!", I said: "If you spend the night outside you will die out there tonight." She replied: "**I HOPE I DO DIE OUT THERE TONIGHT!**" she turned around & slipped into the dark, freezing night.

**Placerville Leadership: It is time for action: NOT talk** or excuses!. **Almighty God**, placed you in power. **He expects you to hear the cries of your homeless tonight, & respond for Him!**

May our Lord and God grant ALL who dwell in beautiful Placerville: =a very, Merry Christmas!