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1 message

Ken Greenwood <krge@d-web.com>

Tue, Jan 7, 2020 at 8:13 AM

To: edc cob <edc.cob@edcgov.us>

Dear Board of Supervisors,

I am unable to attend your meeting this morning. However, I wanted to remind you that there is STILL an ongoing need to update the woefully inadequate so-called "Wireless Ordinance" AND to adopt an "Urgency Ordinance" regarding MINIMUM SETBACKS of at least tower height. This is necessary to reduce the effects of this "LIFE SENTENCE" that you have imposed on adjacent property owners for years.

The wireless industry applauds your lack of action as they know they can BULLY their way through the process here in El Dorado County and site Towers just about wherever they want at minimum cost and provide less service while maximizing profits. This is because your "Alternative Analysis" to explore other locations (as required by CEQA analysis) is non-existent in the EDCo "Wireless Ordinance" as you refuse to act on it for over a year and a half now. This is shameful and a complimentary Tower should be located outside your window obstructing your view for the rest of your lives (the "Life Sentence") as you deserve it. As they say, if it is good for the Goose, it must be good for the Gander.

I would also like to point out that next Tuesday the City of South Lake Tahoe (CSLT) Council is hearing an Appeal of a Tower immediately adjacent to several residential "inmates" who will also be subjected to a life sentence due to their lack of a meaningful wireless ordinance. Just so you know, you are NOT in last place Regionally as the CSLT "Wireless Ordinance" is one step below yours (they don't have one!).

As usual, the CSLT is also being subjected to the BULLY tactics of the wireless industry (and Local Chamber of Commerce) that a tower "must" be placed there, versus the "better service" locations just up the hill slightly further from power and phone lines, AND nearby residents, or Verizon will take their bat and ball and go home... That way they can provide a lower level of service at less cost to them so they can charge more to make more money from their customers, all with Local Government's assistance. They know they can threaten local Boards and Councils with the same lies of "1st Responders won't make it on time" and other such nonsense as there is always a better location that costs a bit more to site. Thanks for enabling this process, enriching the wireless industry and punishing the Citizens you represent. Again this is shameful.

Thanks for doing nothing and see you soon,

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City urges high court to review 'ill-defined and unworkable' homeless ruling

BY ALEXANDRA YOON-HENDRICKS AND THERESA CLIFT
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Issues facing the city and county of Sacramento punctuate a scathing assessment submitted to the U.S. Supreme Court Tuesday on the state of homelessness in California following a landmark federal appeals court ruling last year.

In a 36-page amicus curiae, or "friend of the court," brief, the California State Association of Counties and 33 local governments have asked the nation's highest court to consider hearing an appeal of the *Martin v. City of Boise* case. The 9th U.S. Circuit Court of Appeals ruled last September that municipalities cannot punish people for sleeping on the streets if there are no available shelter beds.

The brief argues that the Boise decision is "ill-defined and unworkable," threatening to derail local and regional efforts to end homelessness, and preventing law enforcement officials from ensuring the public health and safety of communities.

"The Ninth Circuit's opinion is unworkable from a practical standpoint, exposes municipalities to endless and costly litigation over its meaning with little room for error, and casts constitutional doubt on a host of long-established public health and safety laws," the brief stated.

Moreover, the ruling "creates more questions than it answers" for those trying to comply accord-

ing to the brief, such as how can police know in real time how many shelter beds are available, and what defines a "practically available" shelter bed.

"What if beds are available but the shelter cannot accommodate a large amount of personal possessions or the individual's partner, spouse, or other adult relative?" the brief stated. "What if beds are available nearby in a neighboring city?"

For example, the brief cites the San Juan Motel site in Sacramento, off Stockton Boulevard, where sheriff's deputies cleared more than 65 people from a homeless encampment in a publicly owed lot in May.

"What is the appropriate jurisdiction for purposes of counting homeless individuals and shelter beds? Is it the city where the land is located? The entire county? Or just the small portion of land on which the encampment existed?" the brief stated.

Sacramento County was later hit with a federal civil rights lawsuit stemming from the Stockton Boulevard encampment clearing. The suit alleged that "despite acknowledging that unsheltered people have nowhere to be during the day and night," the county and the Sheriff's Office "persist in criminalizing those who must sleep and rest on public land in violation of *Martin v. City of Boise*."

Similar lawsuits, which have already been filed against several California cities and counties, will

only become more frequent, forcing municipalities to spend public resources "litigating the decision's contours," the brief stated.

The brief also makes the case that the ruling puts people at risk because it prohibits local government from removing encampments from flood-prone areas such as along the American River in Sacramento, where hundreds of homeless people live in tents and makeshift shelters.

"A rapid and unprecedented increase in encampments along the American River in Sacramento has impeded officials' ability to monitor, inspect, maintain, rebuild, repair and operate the levee system, increasing the flood risk to those living in the encampments and others throughout the city," the brief stated.

The number of homeless people reported in Sacramento County has more than doubled since 2013, to about 5,570. Most of Sacramento's homeless population is in the city of Sacramento, but has spread to the suburbs in recent years. Nearly half of all unsheltered homeless people in the United States live in California.

Represented by San Francisco-based law firm Renne Public Law Group, the counties of Los Angeles, San Diego, Fresno and five other counties have also signed on to the brief. Homeless activists and advocates have raised concerns about efforts to challenge the Boise decision. Sacramento civil rights attorney Mark Merin previously told *The Sacramento Bee* that "cities can't solve the homeless problem with criminalization, and that's what Boise stands for."

The Supreme Court is expected to decide whether to hear the case by 2020.

J Gainsborough
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