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simply to not designate any space at all and risk being out of compliance. Both ordinances are being drafted for council vote at its June meeting.

City Attorney Ross Williamson refers to two rulings for council to consider: *Martin v. Boise* and *Blake v. Grants Pass*, now known as *Johnson v. Grants Pass*.

Martin v. Boise is a 2018 landmark decision by the United States Court of Appeals for the Ninth Circuit Court that centered around a challenge to an ordinance in Boise, Idaho, that criminalized sleeping or camping in public places.

The plaintiffs argued that the ordinance violated their Eighth Amendment rights, which prohibit cruel and unusual punishment, as it effectively criminalized homelessness and punished individuals for engaging in necessary life-sustaining activities such as sleeping.

The court ultimately ruled that the ordinance was unconstitutional.

Creswell’s current camping regulations are essentially identical to the Boise regulations that were found to be unconstitutional.

In a similar fashion to *Martin v. Boise*, *Johnson v. Grants Pass* is a 2019 ruling that centers around the city’s enforcement of an ordinance that prohibited camping in public places within city limits. Michael Blake was cited and fined for violating the ordinance after he set up a campsite in a city park, and challenged the citation in court.

In July 2020, a federal judge ruled in favor of Blake, finding that the city’s enforcement of the camping ordinance violated the Eighth Amendment and reinforced the idea that criminalizing homelessness is unconstitutional.

Designating a place means that the City can direct the unhoused to a space to sleep overnight. Designating manners and times means that regulations can be drafted and enforced.

Councilors Nick Smith, Tammy Sue Schuck and Staci Holt dug their heels in during the meeting, adamant that they will not vote to designate a place.

“No place anywhere, ever,” Schuck said.
“No place whatsoever in Creswell,” Smith said.
“I am 100% against designating a place,” Holt said.

No designated space for the unhoused to sleep is not “objectively unreasonable, and would put the City at risk of being sued, according Williamson.

Councilors Schuck, Smith, and Holt said that in their discussions with community members, the community is not in favor of designating a spot.

“I am not going to vote ‘yes’ on any place that we make comfortable and accommodating to individuals that we need to move along,” Schuck said.

But within the confines of time, place, and manner, the unhoused have “the right to be” in Creswell; to not have a space that allows them a safe, dry place to sleep is deemed unconstitutional by the courts, Williamson said.

“There’s got to be some place where someone can sleep. It doesn’t have to be comfortable. Technically that could be a sidewalk. It could be a parking lot – just somewhere in the city where someone can sleep overnight,” he said.

Michelle Amberg, city manager, clarified that this would not be a “homeless camp” but rather a “sleep site” with limitations on hours and rules for the unhoused to follow while on the property.

Councilor Holt suggested that the council remove the language in the City’s ordinance that calls for a camping fine while still prohibiting camping, essentially regulating the time and manner without designating a space.

Williamson said that course of action would give police no teeth for regulation or enforcement.

“If there is no punishment for a violation there’s nothing to enforce. A violation goes hand-in-hand with prohibition,” Williamson said. “If you clear off the violation, you would be allowing camping.”

Amberg said that by not designating a space for them to sleep, the City would not be allowing the unhoused “the right to be,” and that is a reflection of what happened in Boise.

“If you go without designating a place and we put in place all these rules, where will be the place where they can be? That is the question it comes down to,” Amberg said. “I’m just trying to follow the law ... I am trying to prevent the City from spending hundreds of thousands of dollars in lawsuits.”

Williamson said that he can draft the ordinance, but it would not be strongly defensible.

“I don’t know how I would defend that ordinance,” he said.

Stram said that there is a perception among council and the community that “if you build it, they will come.”

“I’m not looking to invite the homeless but I’m looking to acknowledge that they’re part of our life. They’re part of our

community,” Stram said. “How do we provide a safe place for unhoused neighbors? How do we comply with the law?”

Stram said he would never vote for an ordinance that provides no place for people to sleep.

“That’s both uncharitable and a blatant violation of the law,” Stram said.

If council were to designate a space, Williamson said it could dictate the manner and time in which the unhoused are on that specified property. The City can heavily regulate where that is, when it is, and how that is.

The South First Street Pocket Park was created about 10 years ago across the street from City Hall. It has overhead cover, a bench, picnic table, trash can, and restroom, and is already frequented by the unhoused.

Councilors in support argued that the space is visible, in close proximity to police and emergency services, and is a big enough space to accommodate the small unhoused population in its current state. Others argued that the location would put area businesses at risk of loitering or vandalism, that City staff could be put at risk when working late, and that the space would be easily outgrown.

However, tightening up regulations would give police more leverage for arrests and removal in the designated space, said Alex Speldrich, Crewswell Sgt. Those requirements could mean that sleepers could be required to come and go by certain hours, keep pets leashed, no smoking or drug use of any kind, maintaining designated small spaces for sleep, and prohibiting mattresses or sleeping structures.

“This property would allow us to have more control of the situation,” said Norma Jean Osborn, councilor.

Williamson is drafting up two ordinances for council vote at the June 12 council meeting.

VOTERS continued from 1

early, strong lead, bringing in 85.29% of the vote while her opponent, Margaret Michele Colletti has only gathered 14.23% so far. In position seven, the race is uncontested, with incumbent Mary Stayton garnering 98.43% of the vote.

Springfield School District: In position four, Nicole De Graff leads by a slim margin with 51.63% of the vote over Anthony Reed with 47.93%. For position one, Ken Kohl has a lead in the three-way race, with 52.46% of the vote, compared to his opponents, Geena Davis with 7.22% and Violet Olszyk with 36.21%.

Lane Community College: In zone one, Denise Diamond ran unopposed and is bringing in 97.71% of the vote. In zone two, Zach Mulholland is bringing in 53.39% of the vote while his two opponents, Nick Skelton (26.54%) and Rich Cunningham (14.50%) split the remainder of them. In zone 5, incumbent Steve Mital ran unopposed and is bringing in 97.90% of the vote. In zone 6, Kevin Alltucker has a healthy lead over opponent Bob Baldwin, with 57.86% of the vote so far. Baldwin is bringing in 41.24%. In zone 7, incumbent Lisa Fragala maintains a large lead with 81.57% of the vote over Kyle Reallon with 17.52%.

BALLOT MEASURES

There are several measures on the May ballot for Lane County voters to keep an eye on — and early results show some big changes for Creswell.

The Lane County Jail Levy Renewal has a wide lead with 79.31% of the vote. Lane County Sheriff Cliff Harrold released the following statement this morning:

“The results of this election and the renewal of the Lane County Public Safety Levy show that this community remains committed to our safety. I am very thankful that Lane County residents recognize the need for a functional jail system including local jail beds to help hold those accused of violent and dangerous crime accountable. Renewal of this levy will allow the Lane County Jail to continue to operate with a minimum of 255 local jail beds, as well as 8 youth detention beds and 8 youth treatment beds at Lane County Youth Services. Renewal of this levy will maintain the level of service that we currently have. I am optimistic that now we can begin discussing how we can find a permanent solution to the under-resourcing of our entire local public safety system. Thank you again for prioritizing the safety of those that live in Lane County.”

In Creswell, the School District Bond, which will update schools, increase vocational training and make other improvements, leads with 69.88% of the vote in favor.

The measure aimed at dissolving the Creswell Water Control District did not pass, which means work will continue as normal, pending the filling of its four vacant seats, as 60.38% of voters voted

against its dissolution.

WATER, FIRE, LIBRARY AND RECREATION BOARDS

Willamalane Board of Directors:

Voters were asked to pick three from a list of five candidates running for the Willamalane Board of Directors in Springfield. Chris Wig has an early lead, bringing in 25.02% of the vote, while Greg James (20.98%) and Kiersten Muenchinger (17.71%) round out the top three. Still, Angela Miceli Stout (15.63%) and Cj Mann (11.44%) are not too far behind. Johnny Lake garnered 8.38% of the vote.

Lane Library District: Both candidates for the Lane Library District ran unopposed, with position 4 going to Erin Weatherly-Derminer who brought in 98.92% of the vote and Vicki Hemphill bringing in 98.97%.

Glenwood Water District: All three candidates for the Glenwood Water District ran unopposed, with position one going to Sabrina White, position two going to Dolores Heinl and position three going to Christa McNair.

Pleasant Hill Rural Fire Protection District: All three candidates for the Pleasant Hill Rural Fire Protection District ran unopposed, with position two going to Matt Brown, position three going to Darrell R. Shoemaker and position four going to Paul A. Filson.

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