

The Bulletin

How to reach us

CIRCULATION
Didn't receive your paper?
Start or stop subscription?
541-385-5800

PHONE HOURS
8 a.m.-4 p.m. Monday-Friday
7 a.m.-11 a.m. Saturday-Sunday
and holidays

GENERAL INFORMATION
541-382-1811
8 a.m.-5 p.m. Mon.-Fri.

ONLINE
www.bendbulletin.com

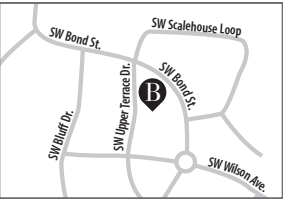
EMAIL
news@bendbulletin.com

AFTER HOURS
Newsroom 541-383-0348
Circulation 541-385-5800

NEWSROOM EMAIL
Business business@bendbulletin.com
City Desk news@bendbulletin.com
Features communitylife@bendbulletin.com
Sports sports@bendbulletin.com

NEWSROOM FAX
541-385-5804

OUR ADDRESS
Street 320 SW Upper Terrace Drive
Suite 200
Bend, OR 97702
Mailing P.O. Box 6020
Bend, OR 97708



ADMINISTRATION
Publisher
Heidi Wright 541-383-0341
Editor
Gerry O'Brien 541-633-2166

DEPARTMENT HEADS
Advertising
Brian Naplachowski 541-383-0370
Circulation/Operations
Maria Johnson 541-617-7830
Finance Wendy Dougherty 541-383-0324
Human Resources 541-383-0340

TALK TO AN EDITOR
City Julie Johnson 541-383-0367
Business, Features, GO! Magazine
Jody Lawrence-Turner 541-383-0308
Editorials Richard Coe 541-383-0353
News Tim Doran 541-383-0360
Photos 541-383-0366
Sports Mark Morical 541-383-0318

TALK TO A REPORTER
Bend/Deschutes Government 541-633-2160

Business
Suzanne Roig 541-633-2117
Calendar 541-383-0304
Education 541-383-0367
Fine Arts/Features
David Jasper 541-383-0349
Health
Suzanne Roig 541-633-2117
La Pine 541-383-0367
Public Lands/Environment
Michael Kohn 541-617-7818
Public Safety
Bryce Dole 541-617-7854
Redmond
Joe Siess 541-617-7820
Salem/State Government 541-383-0367
Sisters 541-383-0367
Sunriver 541-383-0367

REDMOND BUREAU
Mailing address P.O. Box 6020
Bend, OR 97708
Phone 541-617-7829

CORRECTIONS
The Bulletin's primary concern is that all stories are accurate. If you know of an error in a story, call us at 541-383-0367.

TO SUBSCRIBE
Call us 541-385-5800

- Home delivery and E-Edition \$7 per week
- By mail \$9.50 per week
- E-Edition only \$4.50 per week

To sign up for our e-Editions, visit
www.bendbulletin.com to register.

TO PLACE AN AD
Classified 541-385-5809
Other information 541-382-1811

OBITUARIES
No death notices or obituaries are published Mondays. When submitting, please include your name, address and contact number. Call to ask about deadlines, Monday-Friday, 10 a.m.-3 p.m.
Phone 541-385-5809
Email obits@bendbulletin.com

LEGAL NOTICES
Email legal@bendbulletin.com

OTHER SERVICES
Back issues 541-385-5800
Photo reprints 541-383-0366
Apply for a job 541-383-0340

All Bulletin payments are accepted at the drop box at City Hall or at The Bulletin, P.O. Box 6020, Bend, OR 97708. Check payments may be converted to an electronic funds transfer. The Bulletin, USPS #552-520, is published daily by Central Oregon Media Group, 320 SW Upper Terrace Drive, Bend, OR 97702. Periodicals postage paid at Bend, OR. Postmaster: Send address changes to The Bulletin circulation department, P.O. Box 6020, Bend, OR 97708. The Bulletin retains ownership and copyright protection of all staff-prepared news copy, advertising copy and news or ad illustrations. They may not be reproduced without explicit prior approval.

LOCAL, STATE & REGION

GRANTS PASS

U.S. appeals court rejects homeless ordinances

KEVIN RECTOR AND RUBEN VIVES
Los Angeles Times

A three-judge panel of the U.S. 9th Circuit Court of Appeals issued a ruling Wednesday that largely rejected central parts of the Grants Pass ordinances as unconstitutional and upheld part of a lower court's decision blocking them from being enforced.

Grants Pass City Attorney Augustus Ogu declined to immediately comment Wednesday, saying he was still reading the decision.

The city did not dispute that it did not have enough shelter beds for all of its unhoused residents.

Ed Johnson, director of litigation at the Oregon Law Center, which helped represent the plaintiffs in the case, applauded the court's ruling.

"Today's decision is consistent with well-established precedent that it is unconstitutionally cruel to punish homeless people for unavoidable acts of survival," he said. "We are pleased with the outcome, but not surprised."

In its 2-1 decision, the appellate court reiterated another of its decisions, in the major homelessness case Martin vs. City of Boise in 2018. In that case, it ruled that the 8th Amendment "prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter."

But the court went a bit further this time.

"Our decision reaches beyond Martin slightly," wrote Judge Roslyn O. Silver of the U.S. District Court of Arizona, who was sitting on the appellate panel and authored its opinion.



Dean Guernsey/Bulletin file

Water, hand-washing stations, portable toilets, trash bins and other resources were made available to those living on Hunnell Road in Bend in this March 15, 2021, photo. The U.S. Court of Appeals for the 9th Circuit ruled against ordinances dealing with the houseless enacted by the city of Grants Pass.

Among other things, the court found that the Martin decision's protection of unhoused people's right to sleep outdoors when they have no where else to go "includes sleeping with rudimentary forms of protection from the elements."

During the litigation, the city of Grants Pass had revised its anti-camping ordinance to allow homeless people to sleep in city parks, but continued to ban them from using sleeping bags or other bedding materials. The city argued the change brought its ordinance into compliance with the Martin decision.

The court disagreed in its ruling Wednesday.

"The only plausible reading of Martin is that it applies to the act of 'sleep-

ing' in public, including articles necessary to facilitate sleep," Silver wrote.

The court also rejected the city's claim that its ordinances did not run afoul of the Martin decision — or the Constitution's cruel and unusual punishment clause — because they relied on civil citations for enforcement before resorting to criminal sanctions.

The ordinances subjected unhoused people to civil fines of up to several hundred dollars per violation, and people found in violation of the ordinances multiple times could be barred from all city property. Once barred, a person returning to city property was subject to criminal prosecution for trespassing.

The court ruled that it was a clear violation of the Martin ruling to sub-

ject unhoused people who have nowhere else to go to criminal trespassing charges just for being outside and trying to keep warm, whether civil citations came first or not.

"Imposing a few extra steps before criminalizing the very acts Martin explicitly says cannot be criminalized does not cure the anti-camping ordinances' Eighth Amendment infirmity," Silver wrote.

The appellate court's decision upheld in part an injunction against the enforcement of the city's anti-camping ordinances that had been issued by a lower district court.

The ruling told the lower court to "narrow" its injunction to recognize a "limited right" to protection against the elements, which it suggested did not include the use of stoves and fires or the building of structures — things the anti-camping ordinance had also barred.

Silver was joined in the majority opinion by 9th Circuit Court Judge Ronald M. Gould. Both were appointed by President Clinton.

In dissent, 9th Circuit Court Judge Daniel P. Collins, who was appointed by President Trump, said the majority's decision was "egregiously wrong."

Collins — who also called the Martin decision "deeply flawed" but acknowledged he was bound by it — wrote that the ruling Wednesday misunderstood Martin, misapplied it, and "effectively requires the City of Grants Pass to allow all but one of its public parks to be used as homeless encampments."

It was unclear Wednesday whether the ruling would be appealed.

LOCAL BRIEFING

One killed, one injured in U.S. Highway 97 crash

A head-on collision Thursday night on U.S. Highway 97 north of Redmond resulted in the death of a 23-year-old Madras man.

At 7:39 p.m., Oregon State Police and emergency personnel responded to a two-vehicle crash near NW Odem Avenue, Oregon State Police said in a news release Friday.

According to police, Micah Borden, 23, of Madras was driving south in a gray Honda Accord when he crossed into the northbound lane and collided head-on with a red Ford F-150 driven by Jon Moore, 37, of Redmond.

Borden was killed in the crash, and Moore was injured and transported to an area hospital, the release said.

Redmond School Board member resigns

Shawn Hartfield resigned from her seat on the Redmond School Board this week.

Hartfield moved to Central Texas three weeks prior to help her family-owned auto parts business, Buckstop Truckware, open a new manufacturing facility there.

Hartfield served on the board for seven years. She said she hopes her seat is filled by someone who has board experience and understands how the district works.

During the pandemic, Hartfield opposed mask mandates in the district, which made statewide news.

The Redmond School District will now have four of their five school board seats up for election in May 2023, but the district is looking to fill Hartfield's empty seat before then.

Applications will be accepted until 4 p.m. on Oct. 17. An applicant will be appointed at that time, or interviews will be scheduled for Nov. 9. Those interested must be registered voters and residents of the Redmond School District for one year prior to the appointment. The person chosen to fill Hartfield's seat will serve through June 30, 2023.

Contact Gina Blanchette, at 541-923-8250 or visit www.redmondschools.org for information or to apply.

OSU-Cascades to host free clinic for flu, COVID shots

Oregon State University-Cascades, in partnership with Deschutes County Health Services, will host a walk-up clinic for flu shots and COVID-19 vaccinations and boosters on Oct. 14 for community members and OSU-Cascades students, faculty and staff.

The clinic will take place between 1 p.m. and 5 p.m. in the atrium of Edward J. Ray Hall on the OSU-Cascades campus at 1500 SW Chandler Ave., Bend, the university said in a statement Friday.

COVID-19 primary vaccinations will be available for children 5 and older and for adults. The new bivalent booster shots will be available for ages 12 and older, but only Pfizer COVID-19 vaccinations and boosters will be

available while supplies last. Flu shots will be available to everyone 5 and older.

No health insurance or identification is required to get a flu shot, COVID-19 vaccination or booster, the release said. Participants may bring current vaccination cards, although they are not required as clinic staff will have access to electronic records.

Free parking will be available to community members in the campus parking lot accessed via Simpson Avenue, the release added.

For additional information about the clinics or for accommodation requests related to a disability, contact 541-322-3100 or info@osucascades.edu.

COVID-19 community levels for Central Oregon

The Centers for Disease Control and Prevention monitors levels of COVID-19 to help communities decide what prevention steps to take based on the latest data.

Levels can be low, medium or high and are determined by looking at hospital beds being used, hospital admissions and the total number of new COVID-19 cases in an area.

On Thursday, the CDC reported three Northeast Oregon counties — Baker, Union and Wallowa — at high levels of COVID spread, seven at medium and 26 at low.

The agency listed the following levels for Central Oregon:

- Deschutes County:** Low
- Crook County:** Low
- Jefferson County:** Medium

Precautions the CDC recommends for communities with medium levels:

If you are at high risk of getting very sick, wear a well-fit-

ting mask or respirator when indoors in public.

If you have household or social contact with someone at high risk for getting very sick, consider testing to detect infection before contact and consider wearing a mask when indoors with them.

For communities at low levels, the CDC recommends staying up to date on vaccines and getting tested if experiencing symptoms.

— Bulletin staff reports

CHOOSE YOUR OWN MASSAGE
& **RELAX YOUR WAY**

Bullfrog Spas offer 18 interchangeable JetPak massages to customize your spa experience.



Emerald
HEARTH, SPA & PATIO

62929 N. HWY 97, BEND • 541.383-3011 • EMERALDPPOOL.COM

JM BRODRICK, LANE HALL & LAUREL BUCHANAN
SEPT 10TH THRU OCT 12TH



"The Deschutes" 30 x 50 Acrylic by JM Brodrick

RIMROCK GALLERY

405A NW 3RD ST PRINEVILLE 541-903-5565
Open: Tues-Sat: 10-5:30 www.rimrockgallery.com

NOW'S THE TIME TO PLAN AHEAD WITH LIFE INSURANCE



Jose Gonzalez, Agent
651 NW 6th St Ste D,
Redmond (541) 504-7900
jgonzal4@amfam.com



American Family Mutual Insurance Company, S.I. & Its Operating Companies, American Family Insurance Company, 6000 American Parkway, Madison, WI 53783 ©2016 011780 – Rev. 4/20 – 15082227