

Message to the Editor of the Palisades News, 9/28/19 -- via email: sam@mirrormediagroupla.com

Re: PPCC Supports Amicus Brief in Boise Homeless Case – Palisades News, Friday, September 27, 2019

Dear Sam:

We appreciate the News' reporting on important events relevant to the Palisades, including the *Boise* case and PPCC's support of the BCC amicus brief. We are concerned, however, that the News article linked below^[1] is misleading to the extent it suggests that PPCC and BCC support overturning of the Ninth Circuit decision.

PPCC and BCC have clearly stated that they request review of the Ninth Circuit decision by the Supreme Court *in order to provide guidance and clarity in light of conflicting federal rulings on what is constitutionally permissible in terms of local regulation*; neither PPCC nor BCC has requested that the decision be overturned.

As I posted on both the News' and PPCC's Facebook pages on Friday morning:

"To be clear: BCC and PPCC are not asking the Supreme Court to "overturn" the 9th Circuit Decision: We are urging the Court to accept review of the case, in order to provide clarity as to the constitutional limits on local regulatory control over overnight camping. BCC's brief concludes: 'We hope that the Supreme Court takes up and reviews the Boise case, so that state and local governments have the necessary guidance to enact and enforce constitutionally permissible regulations that protect their residents, the homeless and sheltered alike.'"

The same goal was expressed in the PPCC letter in support of BCC's amicus brief and in other documents that were widely distributed to the public and are posted on the PPCC website (see PPCC Letter, 9/16/19 – <http://pacpalicc.org/wp-content/uploads/2019/09/PPCC-Amicus-Support-Letter-9.15.19.pdf> and *Boise* summary, 9/16/19-- <http://pacpalicc.org/wp-content/uploads/2019/09/Boise-summaryR.pdf>). For example, the *Boise* summary states:

"Both the PPCC letter and the BCC amicus brief request that the Court take up the City of Boise's appeal in order **to provide clarity** as to what is constitutionally permissible in terms of local government enforcement of anti-camping ordinances. PPCC takes no position on the merits of the appeal;" [Original emphasis.]

See also our Meeting Recap, 9/27/19 --

https://mailchi.mp/pacpalicc/t5l2odsle0-1170013?fbclid=IwAR1AQb9CG6fYtPONE50d2rEHcStHqT3FH0T-Kr2z_W2Wiw7mKCXY2B8v1s.

Finally, in a letter to the Brentwood community posted on the BCC website, BCC similarly emphasizes that its goal is to obtain review by the Supreme Court to provide clarity and guidance in light of conflicting federal rulings (not to obtain overturning of the decision).

"Again, our goal is to obtain clarity among the many Federal rulings on this issue, as ***we continue to support housing and shelter, ensure outreach services and remain diligent about the health and safety of Brentwood.***" [Original emphasis.] BCC Letter, 9/25/19 – <http://pacpalicc.org/wp-content/uploads/2019/09/BCC-Amicus-Letter.pdf>.

¹ [See: https://www.palisadesnews.com/ppcc-supports-amicus-brief-in-boise-homeless-case/?fbclid=IwAR0S7IMNqXgtQ1Wmwws25dfm4Hk-1rR6CNq9mRWuHLfUk_i98jipXissgM0.]

We request that the News publish a clarification consistent with the above explanations in its next edition.

Thank you for your courtesy and anticipated cooperation.

Best regards,

PPCC officers:

George Wolfberg, Chair; David Card, Vice-Chair; Richard Cohen, Treasurer; Chris Spitz, Secretary
Pacific Palisades Community Council

pacpalicc.org

cc: BCC Chair Michelle Bisnoff and Vice-Chair Carolyn Jordan; PPCC officers