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From: "((A)) bsurdo" <absurdoiswatching@gmail.com>  
To: vmorici@co.slo.ca.us  
Date: 07/22/2012 11:55 PM  
Subject: Fwd: July 24 Agenda (Item 1)

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Unsure who to email this to -- comments on July 24 Board agenda item #1. Could not find Katie



Perez's email. Please forward as appropriate. July24\_Item01.odt.pdf

(A)bsurdo  
On-again/off-again squatter, courthouse plaza  
San Luis Obispo, CA 93408

Monday, July 23, 2012

Board of Supervisors  
By way of the internet: bos@co.slo.ca.us  
San Luis Obispo, CA 93408

In regards to: **July 24, 2012 - Item #1 - Amendment to Title 2**

Dear Chair Patterson and Honorable Supervisors:

We write to strongly urge your opposition to the proposed amendments to Title 2 of the County Code, which proposes to impose absurd regulations and regulate reasonable, non-harmful, use of public lands.

**It's unnecessary, persecutory, and unconstitutional.**

Any government act which seeks to limit a fundamental liberty must be undertaken only out of overwhelming necessity and after reasonable consideration of alternatives. Please consider this.

**The proposal is unconstitutional.** Article I, Section 3(a) of the California Constitution declares that the people have "the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good." At best, this ordinance is another constitutionally questionable attack on the homeless.

As a second note, having a permit process set up where the appeal of last resort is an appointed (not an elected) official, shows no good faith attempt at making reasonable due process a reality:

- The decision on whether or not to issue the permit is based on the discretion of an unelected bureaucrat.
- That decision is appealed to the unelected CAO, whose decision is final. The Board never gets a say.
- There is no criteria to determine when a permit should or should not be issued, leaving the process open to arbitrary and capricious administration. This creates an incubation tank for abuse and favoritism.
- The County is free to impose whatever harsh conditions they so desire. An informal gathering, for example, may need to provide evidence of a \$1 million liability policy. Who decides what is required of whom?

**The proposal is unnecessary.** We already have laws on the books to quell disorderly conduct, disruption of the peace, public urination/defecation, and - yes - even camping (California Penal Code 647e was cited by CAO Grant to successfully break up the encampment, you'll recall). There is no need for this grossly overreaching ordinance. **Regulatory overreaction is never a solution to a "perceived" problem.** Please remember that. Yes, "occupy" was a thorn in the County's side for a brief while, but that's the price we

pay for living in a free country.

Above all, We are sad that the County chose to draft this ordinance without ever having worked with or consulted with the myriad local organizations and groups that have historically used and will continue to use the government center grounds without obtaining a permit or liability insurance. This is a new era, folks. We have to collaborate and build regulation from the ground up if we expect to operate a trim and efficient government.

We urge you to remove this item from your consent agenda and direct your staff back to the drawing board.

If the County can't arrive at a reasonable solution, your constituents will be thoroughly disappointed. You will not see us tomorrow morning. No, we have other business to tend to in order to keep living our lives in this brutal economy. But we assure you, ignorance of these major flaws in the ordinance will not be met with silence.

In peaceful solidarity with the motto "not for ourselves alone",

*PRETEND THERE IS A SIGNATURE HERE*

(A)BSURDO

Humble spokesclown for WSRN

Philosopher, hobo, defender of liberty, serial litigant (just kidding) and much much more.

Attached documents include:

- #1 WHAT IF - What if we were to throw the book at one upstanding citizen?
- #2 WHO IS (A)BSURDO - leaving you with more questions than answers.
- #3 15061(b)(3) DOES NOT APPLY

*::::spoiler: If this law went into effect a year ago, a WSRN affiliate could be serving an 82 year prison sentence. Or be \$82,000 further in debt. Or both. How dare one stand up for one's first amendment rights!*

What if this ordinance had gone into effect on July 24, 2012? I wonder what one non-violent, productive, honest citizen could have been charged with over the last year (based on an interview with a WSRN affiliate):

- **PUBLIC GATHERINGS.** I have attended approx. 70 "gatherings" at the government center, none of which had a permit.
  - On at least one occasion, I signed a petition from a petition-gatherer who had not received a permit.
  - I know several persons who signed petitions to place one or more of your very names on the ballot on public grounds when the gatherer did not have a permit.
  - I might also add that the permitless public gatherings that occur on the government center grounds span all ranges of the spectrum. Political rallies - both right and left. Campaign kickoff events. Issue-oriented rallies. Rallies to raise awareness of things such as diseases. All would have been criminal acts, and all attendees could have been charged with misdemeanors.
- **SIGN POSTING.** I have posted or been involved in the posting of approx. 20 signs. No permit.
- **TEMPORARY STRUCTURE.** I have hovered under a "temporary structure" - ez up canopy on no less than 20 non-consecutive occasions.
- **PUBLIC URINATION OR DEFECATION.** Never on the Govt. center grounds. I always went elsewhere.
- **DISTURBANCE/AMPLIFIED MUSIC.** That's one I haven't done!
- **FOOD PREPARATION.** Who amongst us hasn't pieced together a pb&j sandwich on the courthouse lawn? Good grief. I must have prepared food without a permit on the govt ctr properties at least 20 times over the last year.
- **FOOD SALES.** I bought a bag of tamales from the lady that sells tamales. I bought several raffle tickets from various organizations. I've purchased candy to benefit victims of the many tragedies in Haiti. I'm not sure if it was a crime to purchase, but the people who sold to me would have committed a crime.
- **ALCOHOLIC BEVERAGES.** Not for me, thanks.
- **CAMPING.** Now this one is complex. See there are many prongs to camping.
  - Remain overnight. I have remained overnight on government center grounds no less than 6 times - perhaps more if you use a broad definition of "overnight"
  - Sleeping. I have slept on government center grounds frequently. I often take 20 minute naps on the courthouse lawn. So do many people who ride the bus. Perhaps I have "slept" on courthouse grounds maybe 6 times in the last year.
  - Setting up housekeeping. This one fascinates me. I have actually done some "housekeeping" work around the courthouse plaza of my own volition. I've gone and picked up hundreds of cigarette butts (a pet peeve of mine). I've thrown wayward garbage into the

appropriate receptacle. For this, my potential misdemeanor count would probably be about 10 non-consecutive occurrences.

- Pitching a tent. Not in the literal sense, no.
- Using camp paraphernalia. Now let me see. I've benefited from the use of tarps on the government center site - I guess that counts. I've used a camp stove to make coffee for people at gatherings multiple times. Yes, in the dead of night in winter, I did resort to using blankets to keep warm as temperatures plummeted and we kept waking vigil through the night. All in all, I probably used camp paraphernalia 12 times over this last year.
- *Interesting note: "A permit to camp at the County Government Center shall not be issued." - I guess this means none of the stuff defined under the wide net of "camping" will ever be authorized - because it would require a permit that "shall not be issued."*

So, there you have it. A summation (or rather a theoretical confession) of **164** (give or take a bunch) misdemeanors that one honest, hard working, upstanding individual could have been charged with over the course of a year.

Jail time and fines - "what if the judge throws the book at me?"

164 x 6 months = 82 years

164 x \$500 = \$82,000

All this and no one got hurt. Other than someone's ego, perhaps?

DOCUMENT #2: WHO IS (A)BSURDO?

(A)bsurdo is a inside all of us. 'I' (really we) speak for many, who form a loose-knit group: Which Shall Remain Nameless (WSRN for short). We're pretty keen on the whole anonymity thing.

In the interest of dodging personal attacks about jobless good-for-nothing hippies, I will tell you that individuals who freely self-associate with WSRN include all of the following:

- voters
- taxpayers
- citizens
- productive members of society
- believers in the principle of maintaining a transparent and open democracy at every level of government

DOCUMENT #3: 15061(b)(3) DOES NOT APPLY

Section 14 of the proposed ordinance claims compliance with CEQA Environmental Quality Act based on the following conclusion:

*"It can be seen with certainty that there is no possibility that [the ordinance] may have a significant effect on the environment."*

- derives from 15061(b)(3), Title 14, California Code of Regulations

Such certainty does not exist.

In fact, there is substantial cause to believe that the ordinance could have the potential to create a significant effect on the environment based on established thresholds:

- "population and housing" - the ordinance could result in displacement of homeless persons who inhabit the government center.
- "recreation" - the ordinance severely restricts use of county lands for recreational purposes.
- "mandatory findings of significance" - the ordinance could cause substantial harmful effects on human beings either directly or indirectly by restricting their use of county lands.

Lacking this certainty, please prepare of a full Environmental Impact Report and ensure adequate focus has been given to social issues.