



**The City of
OKLAHOMA CITY**

OFFICE OF THE MUNICIPAL COUNSELOR
KENNETH JORDAN
Municipal Counselor

October 5, 2015

Ryan Keisel, Executive Director
Brady R. Henderson, Legal Director
ACLU of Oklahoma
3000 Paseo Drive
Oklahoma City, Oklahoma 73103

Re: Proposed Amendment to Oklahoma City Municipal Code §§ 32-1 and 32-458

Gentlemen:

We received your letter dated October 1, 2015, regarding the proposed amendment to Oklahoma City Municipal Code §§ 32-1 and 32-458. In response, please be advised that your (and the media's) reference to this amendment as an "Anti-panhandling Ordinance" is incorrect. As is stated in the current proposal (a copy of which is attached), it is a traffic safety measure. It is not an attempt at "criminalizing and punishing poverty," as you state. It is an attempt to keep people off of traffic control devices for their safety and the safety of others.

It is true that two of the cases you cite have held that a median is "a traditional public forum," however in *Cutting*, the City of Portland failed to contest this generalization. *Cutting v. City of Portland, Maine*, 1st Cir. No. 14-1421 (Sept. 11, 2015); *Reynolds v. Middleton*, 779 F.3d 222 (4th Cir. 2015). In any event, it is the City's opinion that just as a street where cars are traveling up to 45 mph is a dangerous place and not a place that has traditionally been used to conduct public debate (despite such language in many 1st Amendment cases), neither is the median.

Additionally, in *Cutting*, the Court failed to address "other alternative methods" for speech. The Supreme Court has held that reasonable regulations on speech are constitutional when adequate alternative channels of communication exist and that the First Amendment does not guarantee the right to communicate one's views in any manner that may be desired. *Members of City Council of LA v. Taxpayers for Vincent*, 466 U.S. 789, 812 (1984); *Heffron v. Int'l Soc. for Krishna Consciousness, Inc.*, 452 U.S. 640, 647 (1981). The City's proposed ordinance allows speech on other public rights of way and therefore provide adequate alternative channels of communication.

We believe the ordinance as written is constitutional. Nevertheless, we are more than willing to consider any possible changes to the ordinance you would like to advance. Please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth Jordan".

Kenneth Jordan
Municipal Counselor

From: Ryan Marshall
To: Ward6
Subject: Median Safety Ordinance Impact to Neighborhoods
Date: Wednesday, October 07, 2015 4:00:21 PM

Ms. Sawyer,
Someone asked the question on Twitter today about the Median Safety Ordinance. They asked how this ordinance will impact neighborhoods. Many neighborhoods in OKC use their median as a place making space. My neighborhood, Cleveland, has used our median as a place making space for years. It has been vital to our neighborhoods success. The ordinance you are proposing appears to make illegal for residences of neighborhoods to be in their medians.

If this is the case, the ordinance will be extremely detrimental to neighborhoods. I would appreciate your thoughts and clarification on how the Safety Ordinance will impact neighborhoods.

I look forward to your response.

Regards,
Ryan Marshall

Oklahoma City, OK 73107

From: Mary Durham
To: Ward7
Subject: Re: NNO Invite
Date: Monday, August 24, 2015 3:07:25 PM

Hi Debi. You still there. Good to hear. If he makes it, fine. If not, we understand also. Thank you.

Mary Durham
Berkshire Hathaway
Home Services - Anderson Properties
[REDACTED]
405-348-4422 (office)

On Monday, August 24, 2015 7:12 AM, "ward7@okc.gov" <ward7@okc.gov> wrote:

Mary:

I am including all of Councilman's personal invites for his review and consideration. I know he will attempt to attend as many events as possible. Unfortunately, I am unable to confirm his attendance or the time of his arrival. Debi Martin

From: Mary Durham [REDACTED]
Sent: Sunday, August 23, 2015 7:23 PM
To: OCPD Chief; eric.huff@okc.gov; Ward7; Hague, Teresa R
Subject: NNO Invite

Once again, the Park Estates North/Cashions Wildewood Neighborhood Association is inviting you to participate in our Annual Neighborhood Night Out activity on September 15, 2015 between 6pm to 8pm. We shall be set up in the median along NE Grand Blvd (Corner of MLKing Blvd and NE Grand Blvd.).

We appreciate the service that you and your respective departments have provided for us throughout the years. Enjoy a bit of refreshments with us. Please RSVP. Thank you.

Mary Durham, Co-Chair
[REDACTED]

Berkshire Hathaway
Home Services - Anderson Properties
405-348-4422 (office)

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Kathy Smith

From: Debi.Martin@okc.gov
Sent: Monday, October 12, 2015 1:45 PM
To: Juan.Balderrama2@okc.gov; william.citty@okc.gov
Cc: Mark Stonecipher; [REDACTED]
Subject: FW: 122 and Penn Vagrant Photos
Attachments: AX_SQL - PROPERTIES - 122PENN P VAGRANT PHOTOS TO MARK S.pdf

Beto:

Thank you for your assistance in this matter. Please provide updated information as it becomes available.

Thank you

Debi

From: Meg Salyer [REDACTED]
Sent: Monday, October 12, 2015 11:44 AM
To: Citty, William J
Cc: Martin, Debi A
Subject: FW: 122 and Penn Vagrant Photos

Chief,

Could we send your team out to look at this? Thank you!

Meg

From: Clay F [REDACTED]
Sent: Monday, October 12, 2015 8:59 AM
To: Meg Salyer
Subject: 122 and Penn Vagrant Photos

Hello Meg

I trust you are doing well and that your leg is swiftly healing-I know wearing a cast is no fun.

I hate to bother you with this but I think you should be aware of the vagrants that are camping on our property near NW 122nd and Penn (photos attached).

They use this area as a campground for their panhandling at NW 122nd and Penn and Memorial and Penn.


I sent these photos to Mark Stonecipher because our property is in Ward 8.

I really appreciate you leading the charge on the Vagrant issue!

Thanks

Clay T. Farha

6801 N. Classen, Suite A
Oklahoma City, Oklahoma 73116-7207



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From: [Jim Dearer](#)
To: [Ward6](#)
Subject: Panhandling ordinance - will it stop me from running or walking down the median on 19th?
Date: Saturday, October 03, 2015 8:49:46 AM

Sorry to bother you, but I just had a horrible thought after reading the story in the Oklahoman this morning. Will the new ordinance stop me from running or walking down the median on 19th? Many people in our neighborhood run or walk on the 19th street median. Would the new ordinance make this illegal? This would be terrible.

Thanks,

Jim Dearer

I will update you as I receive updates from Councilwoman and Ms. Yager.

Debi Martin

From: Nick Singer [REDACTED]
Sent: Wednesday, June 24, 2015 3:30 PM

To: Martin, Debi A
Subject: Re: FW: neighborhood meeting date

I just wanted to confirm that date August 11th date and time works for Councilwoman Salyer? We have a planning meeting with our folks next week. If there are any materials we could see for that meeting, it would be helpful.

Thanks,

Nick

On Fri, Jun 19, 2015 at 2:34 PM, <Debi.Martin@okc.gov> wrote:

Thank you so much. Debi

From: Nick Singer [REDACTED]
Sent: Friday, June 19, 2015 2:30 PM
To: Martin, Debi A
Subject: Re: FW: neighborhood meeting date

We are going to have to have a planning meeting soon to figure those parts out. As was stated in the meeting, we do want to review the proposed messaging. If there are any samples or ideas to start with, I'd like to have something to help our folks think about how this meeting can come together.

From: [Nick Singer](#)
To: [Yager, Kristy D](#)
Cc: [Martin, Debi A](#); [Meg Salyer](#); [Bennett, Randy W](#)
Subject: Re: FW: neighborhood meeting date
Date: Thursday, June 25, 2015 7:22:50 PM

Thank you, that is very helpful, as is the description of your experience.

Let me get with our folks to think on this. We have many stories (and experiences of folks on the front lines) that fly in the face of conventional wisdom or this specific (handing money out the window) notion of compassion, it is just a matter of conveying that.

Let us know on the meeting date when you can.

Thanks,

Nick

On Thu, Jun 25, 2015 at 5:42 PM, <kristy.yager@okc.gov> wrote:

Hi Nick,

Here is a draft news release, draft PSA, draft web copy and draft PR plan. I invite your review and input.

I can't think of a panhandling campaign that didn't come under fire in the media by a minister or advocacy group for being heartless and cold. Even the softest campaigns were criticized for being "veiled in compassion." The cost of campaigns always seems to be a central issue when governments lead them. If we move forward with this it helps tremendous if it's the community's voice saying this and not the City's voice.

My experience tells me that if we have 20 people around a table to talk about panhandling, everyone will have their own ideas of what is offensive and what is effective. That makes something like this all the more challenging to pull off.

Feel free to contact me if you would like to visit more about this,

Kristy Yager

Director, Public Information and Marketing

City of Oklahoma City

From: [deEtte Hankins](#)
To: [Ward6](#)
Subject: Median Panhandling
Date: Thursday, December 03, 2015 2:28:03 PM

I hope if you decide to pass this ridiculous ordinance, you will also ban Fire fighters raising money for MDA with the boot, children raising money with car wash signs for sports etc.
Yes, that sounds silly. So is this ban. The people in the green vests are trying to better themselves.

Sent from my iPad

Berry, Major T

From: Citty, William J
Sent: Tuesday, October 06, 2015 4:55 PM
To: Jordan, Kenneth; Berry, Major T
Cc: Couch, James D; Clowers, Dennis E; Williams, Wiley L; Smith, Richard C.; Richard, Cindy L; Warren, Jennifer M; Kersey, Frances W
Subject: RE: "MEDIAN" REGULATION ORDINANCE; DEFERRAL IDEA; & DATA FROM OCPD REGARDING "TOP 10 COLLISION INTERSECTIONS" FOR 2014 & 2015

I met with Father Luschen and representatives from the Voice (non-profit that is an advocate for the homeless and others) this morning to discuss the ordinance. They said the meeting was very helpful and I feel now understand the ordinance does not criminalize panhandling/homeless and understand that the issue is safety and pertains to everyone. They also seem to understand the median is a dangerous place to be. One thing they recommended was allowing them to educate the public about the issue and make sure people understand the panhandlers will not vanish from intersections as result of the ordinance...that they would just not be able to panhandle on the median. They would be happy to get a deferral of the ordinance that would give them some time, along with the police department to educate the public. I also told them the police department could give a grace period where we issued warnings for a period of time. I would recommend we meet with them during the interim to further discuss the ordinance and how we will educate the public on what it means. I would like to discuss the median width. It would be hard for me to say it's that much safer and why there should be an exception. If you decide to defer I can contact Father Luschen and set a meeting in the next couple of weeks.

From: Jordan, Kenneth
Sent: Tuesday, October 06, 2015 4:02 PM
To: Berry, Major T
Cc: Couch, James D; Clowers, Dennis E; Citty, William J; Williams, Wiley L; Smith, Richard C.; Richard, Cindy L; Warren, Jennifer M; Kersey, Frances W
Subject: FW: "MEDIAN" REGULATION ORDINANCE; DEFERRAL IDEA; & DATA FROM OCPD REGARDING "TOP 10 COLLISION INTERSECTIONS" FOR 2014 & 2015
Importance: High



From: Jordan, Kenneth
Sent: Tuesday, October 06, 2015 3:52 PM
To: 'Meg Salyer'
Cc: Smith, Richard C.; Warren, Jennifer M; Richard, Cindy L
Subject: "MEDIAN" REGULATION ORDINANCE; DEFERRAL IDEA; & DATA FROM OCPD REGARDING "TOP 10 COLLISION INTERSECTIONS" FOR 2014 & 2015
Importance: High



From: [Neighborhood Alliance](#)
To: [Bryant, Keith](#)
Subject: Re: 23rd and Penn Meeting
Date: Friday, August 07, 2015 9:38:51 PM

Chief

Today's meeting was called by Meg and it was solely intended to let the businesses around NW 23rd and Penn know what their rights and responsibilities are regarding the horrible panhandling issue around that corner.

City attorney told the group any ordinance solution would basically have to be an all or nothing solution, which would unfortunately have to include church groups, MDA, Curbside Chronicle, football teams and basically anyone wanting to solicit on a curb.

Business owners started chiming in on ways they could help Firefighters raise MDA funds if that is the case. However, please remember this was not the intent of today's meeting. It was intended to help business owners meet the Police Officers who are supposed to help them with the current panhandling problem.

I would like to talk to you about the neighborhood concerns regarding this issue. My mistake for not getting with you sooner

You should try to talk to Meg soon. I am on vacation all next week but would love to visit the week of August 17.

Georgie Rasco

Sent from my iPhone

On Aug 7, 2015, at 5:13 PM, <keith.bryant@okc.gov> <keith.bryant@okc.gov> wrote:

Georgie, were you at this meeting today? (see below) . It sounds like what you mentioned to me at the Salvation Army the other day. No one has been speaking to me about this issue as of yet. Nor have I heard of any meeting with City Council and MDA as mentioned in these notes.

As always I would be happy to meet with anyone at any time to discuss such issues and address these concerns.

Keith

G. Keith Bryant
Fire Chief
City of Oklahoma City Fire Department
405-297-3314
keith.bryant@okc.gov

<image001.png>

From: Jennings, Brian D
To: Martin, Debi A; Balderrama, Juan A; Nelson, Dexter A
Cc: Meg Salyer; Boxwell, Ryan M; Patten, William F
Subject: RE: 23rd and Penn
Date: Thursday, June 18, 2015 9:40:34 AM
Attachments: image002.png

Sorry it has taken me so long but here's an update on the activity generated from looking into this location.

We were able to provide extra patrols with the following activity:

- 3 Felony Arrests
- 3 City Warrant Arrests
- 3 Public Drunk Arrests
- 1 Trespassing Arrest
- 2 Stepping in Roadway to Solicit Arrests
- 2 Homeless individuals given assistance to shelters by the H.O.T. team
- Numerous voluntary contacts.

One day we had bike patrol and the businesses really liked it. We have received positive feedback from the business owners and we will continue to watch the area.

We also found out there is a procedure in place at Detox when the arrested subjects are released a cab will take them within a 3 mile radius for free per an agreement with the neighborhood. What we found was many were choosing NW 23rd and Penn as their destination. This problem has been addressed and the subjects now are being transported to a shelter for assistance.

Please let me know if you need anything else.

Major Brian Jennings
Oklahoma City Police Department
Springlake Division
4116 N. Prospect
Oklahoma City, Ok 73111
405-316-4891 – office
[REDACTED] cell



From: Martin, Debi A
Sent: Monday, May 18, 2015 4:42 PM
To: Balderrama, Juan A; Jennings, Brian D; Elias, Nick
Cc: 'Meg Salyer'

Re:

11/28/15 1:23 PM

From: - <[REDACTED]>

To: revzahn17 <[REDACTED]>

Subject: Re:

Date: Sun, Sep 13, 2015 8:54 pm

I did and I should not have. We will see how it goes tomorrow.

pete

-----Original Message-----

From: Tony Zahn <[REDACTED]>

To: peteokc <[REDACTED]>

Sent: Sat, Sep 12, 2015 1:49 pm

Pete -

Did you sign off on Meg's panhandling ordinance? I didn't hear all of the discussion at lunch yesterday.

Grace and peace,

Tony

Sent from Yahoo Mail on Android

Berry, Major T

From: Citty, William J
Sent: Thursday, October 08, 2015 6:28 PM
To: Berry, Major T
Subject: Re: Updated Panhandler Presentation

We talked about it this morning with Rick. It's been changed.

Sent from my iPhone

On Oct 8, 2015, at 3:48 PM, Berry, Major T <major.berry@okc.gov> wrote:

Looks good but I would rename it "Median Safety Presentation" or something other than Panhandler.

M.T. Berry
Assistant City Manager
City of Oklahoma City
Oklahoma City, Oklahoma 73101
Office: 405-297-2345
Fax: 405-297-2570

From: Citty, William J
Sent: Thursday, October 08, 2015 11:38 AM
To: Berry, Major T
Subject: FW: Updated Panhandler Presentation

Here is the presentation for Council.

From: Scully, John M
Sent: Thursday, October 08, 2015 10:54 AM
To: Citty, William J; Smith, Richard C.
Subject: FW: Updated Panhandler Presentation

Let me know if you need anything further.

From: Minner, Joshua M
Sent: Thursday, October 8, 2015 10:51 AM
To: Joyce, Thomas W
Cc: Scully, John M
Subject: Updated Panhandler Presentation

I updated the presentation with the three additional pictures. With the new pictures, I have organized the photo slide by intersections. They are ordered as follows:

Reno/Rockwell
Reno/MacArthur
I-40/MacArthur
NW 23/Penn

Berry, Major T

From: Citty, William J
Sent: Wednesday, October 07, 2015 1:23 PM
To: Berry, Major T
Subject: Fwd: pedestrian deaths
Attachments: image001.jpg; image002.gif; image003.jpg

This is being provided to the paper.

Sent from my iPhone

Begin forwarded message:

From: William Crum <WCrum@Oklahoman.com>
Date: October 7, 2015 at 12:49:24 PM CDT
To: "juan.balderrama@okc.gov" <juan.balderrama@okc.gov>
Cc: "william.citty@okc.gov" <william.citty@okc.gov>, "john.scully@okc.gov" <john.scully@okc.gov>, "Rick.Smith@okc.gov" <Rick.Smith@okc.gov>
Subject: Re: pedestrian deaths

Thanks.

William Crum

On Oct 7, 2015, at 12:04 PM, "juan.balderrama@okc.gov" <juan.balderrama@okc.gov> wrote:

Bill,

I just received more updated stats relating to accidents at/near intersections. This of course, is where the vast majority of panhandlers stand while soliciting:

All collisions city-wide: 39,833

of injury/fatality collisions city-wide: 16,358

of injury/fatality collisions occurring within 50 feet of an intersection: 7,998

49% of ALL injury/fatality collisions occur in/near intersections

* *This data is from January 1, 2010 to September 29, 2015.

Please let me know if you have further questions.

From: William Crum [mailto:WCrum@Oklahoman.com]
Sent: Wednesday, October 07, 2015 10:56 AM
To: Balderrama, Juan F
Subject: RE: pedestrian deaths

Good enough. I appreciate it.

From: Jester, Tom T
Sent: Friday, August 07, 2015 4:51 PM
To: Bryant, Keith
Subject: FW: 23rd and Penn Meeting

FYI

From: Citty, William J
Sent: Friday, August 07, 2015 4:47 PM
To: Jester, Tom T
Subject: Re: 23rd and Penn Meeting

Please call Keith Bryant and give him a heads up on the issues if he's not already aware. Thanks

Sent from my iPhone

On Aug 7, 2015, at 4:41 PM, Jester, Tom T <tom.jester@okc.gov> wrote:

FYI. Appears to have gone well.

From: Boxwell, Ryan M
Sent: Friday, August 07, 2015 3:34 PM
To: Jennings, Brian D; Jester, Tom T
Subject: 23rd and Penn Meeting

The meeting went well at times. Present were representatives from:

<!--[if !supportLists]-->• <!--[endif]-->7-11
<!--[if !supportLists]-->• <!--[endif]-->Wal-Mart
<!--[if !supportLists]-->• <!--[endif]-->Canes
<!--[if !supportLists]-->• <!--[endif]-->Pizza House
<!--[if !supportLists]-->• <!--[endif]-->Golds Gym
<!--[if !supportLists]-->• <!--[endif]-->McDonalds
<!--[if !supportLists]-->• <!--[endif]-->Papa Murphy's
<!--[if !supportLists]-->• <!--[endif]-->One resident

Topics addressed:

<!--[if !supportLists]-->• <!--[endif]-->Businesses failing to
trespass repeat offenders
<!--[if !supportLists]-->• <!--[endif]-->What the city can do in the
way of passing ordinance making standing in the median illegal
<!--[if !supportLists]-->• <!--[endif]-->Public Information
Campaign stating that providing money to panhandlers doesn't
help the homeless problem

<!--[if !supportLists]-->• <!--[endif]-->Businesses using the Next-door App to communicate their issues between each other
<!--[if !supportLists]-->• <!--[endif]-->Business owners and their employees are either not allowed to confront trespassers or are unwilling to. It was explained to them they all need to stand together and address the issue together, in the same way.

There is a meeting next week between City Council members, OCFD Fire and MDA to entertain the idea of the fireman no longer using intersections for their pass the boot campaign. If this is allowed, the city can/will change ordinance making standing in the median illegal.

The business owners are planning a meeting with Georgie to continue the conversation and attempt to bring more of the businesses together for the cause.

There were NO complaints against the police and what we are doing to address the issue. The ones present were VERY satisfied with our efforts.

Captain R. M. Boxwell
Springlake Division
Ryan.Boxwell@okc.gov
405-316-5186

“What we do in life, echoes in eternity”

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From: - <[REDACTED]>

To: Jim.Couch <Jim.Couch@OKC.GOV>

Subject: Re: Neighborhood Alliance Supports the Panhandling Ordinance

Date: Tue, Sep 22, 2015 10:27 pm

Hope you realize I was joking - kinda

-----Original Message-----

From: Jim.Couch <Jim.Couch@OKC.GOV>

To: peteokc <[REDACTED]>

Sent: Tue, Sep 22, 2015 9:38 pm

Subject: Re: Neighborhood Alliance Supports the Panhandling Ordinance

Maybe...

Sent from my iPad

On Sep 22, 2015, at 9:27 PM, -

<[REDACTED]>> wrote:

Sounds like the other side
of the panhandling problem - should I expect an
apology?

pete

-----Original Message-----

From: ward4

<ward4@okc.gov<mailto:ward4@okc.gov>>

To: peteokc

<[REDACTED]>>

Sent: Thu, Sep 17, 2015 1:19

pm

Subject: FW: Neighborhood Alliance Supports the Panhandling
Ordinance

Boyd Fulton
Special Assistant to the Council
Council
Support
[REDACTED]

boyd.fulton@okc.gov<<mailto:boyd.fulton@okc.gov>>

| 405-297-2402 | 200 N. Walker, 3rd Fl | Oklahoma City, OK 73102 |

<http://www.okc.gov/>

From: Georgie Rasco

[<mailto:Georgie@nacok.org><<mailto:Georgie@nacok.org>>]

Sent: Thursday, September

17, 2015 1:15 PM

To: Ward4

Subject: Neighborhood Alliance Supports the
Panhandling Ordinance

From: - <[REDACTED]>

To: juanm.sfs. <[REDACTED]>; drbox <[REDACTED]>; tomheydman <[REDACTED]>; gloria.torres <[REDACTED]>; TCrawford <[REDACTED]>; davidcarterpainting <[REDACTED]>; ddouglas <[REDACTED]>; yyork66 <[REDACTED]>; martin <[REDACTED]>; ebc_okc <[REDACTED]>; michael.b <[REDACTED]>; jclytus <[REDACTED]>; dprater <dprater@oklahomacounty.org>; ana <ana@nacok.org>; lang <[REDACTED]>; efreedom76 <[REDACTED]>; millicanokc <[REDACTED]>; schodc <[REDACTED]>; janiceblair <[REDACTED]>; jmacy <[REDACTED]>; lwhite <[REDACTED]>; ash85731 <[REDACTED]>; jimhenry2236 <[REDACTED]>; robink58 <[REDACTED]>; alofthehouse <[REDACTED]>; grandlakebum <[REDACTED]>; eshadid99 <[REDACTED]>; ariceokc <[REDACTED]>; williams <[REDACTED]>; sharnell03 <[REDACTED]>; pfhorning <[REDACTED]>; billj73 <[REDACTED]>; johnt4853 <[REDACTED]>; jjohnston <jjohnston@catalystok.org>; laura <[REDACTED]>; jyoekel <[REDACTED]>; rmorri4340 <[REDACTED]>; jgjohnson <jgjohnson@acogok.org>; LAAYMEDLEY <[REDACTED]>; cadmiller05 <[REDACTED]>; lpainter5 <[REDACTED]>; ltaylor <[REDACTED]>; chauncey <[REDACTED]>; boyd.fulton <boyd.fulton@okc.gov>; joepainter123 <[REDACTED]>; kent <[REDACTED]>; mv <[REDACTED]>; lesliebachelor <[REDACTED]>; bobf <[REDACTED]>; hchoochoo <[REDACTED]>; virginlaw <[REDACTED]>; elainelyons <[REDACTED]>; al_mccaffrey <[REDACTED]>; barryokc <[REDACTED]>; rswhittington <[REDACTED]>; david <[REDACTED]>; Joe <[REDACTED]>; l6d1b53 <[REDACTED]>; wcrum <[REDACTED]>; pzplace <[REDACTED]>; smross <smross@okcps.org>; rking.nacional <[REDACTED]>; evansmarcus8 <[REDACTED]>; larryweatherford <[REDACTED]>; pstar1996 <[REDACTED]>; jimroth405 <[REDACTED]>; lboyer <[REDACTED]>; blackburnokc <[REDACTED]>; padams <padams@okdrs.gov>; RexTravis <RexTravis@travislawoffice.com>; collin <collin@lawokc.com>; Thomas-Cunningham <[REDACTED]>; jsteward <[REDACTED]>; burpenta <[REDACTED]>; billiwsac <[REDACTED]>; scott.inman <scott.inman@okhouse.gov>; jwd49 <[REDACTED]>; jimcgoodwin <[REDACTED]>; CSwinton <CSwinton@BancFirst.com>; kellyron01 <[REDACTED]>; mlatam <mlatham@stand.org>; barbie <barbie@nacok.org>; gnigh <[REDACTED]>; willambryles.afscme <[REDACTED]>; peter.evans <peter.evans@okcpal.org>; triplecreek <[REDACTED]>; rtandwj <[REDACTED]>; bgooden <[REDACTED]>; bdean <bdean@elections.ok.gov>; judgewiggles <[REDACTED]>; oconnorcic <[REDACTED]>; michael.dover <[REDACTED]>; revzahn17 <[REDACTED]>; jamesgreiner <[REDACTED]>; alicecoe <[REDACTED]>

Subject: Lunch, September 25

Date: Wed, Sep 23, 2015 10:31 pm

Saturday, September 19 was the 51st birthday of Ms. Garth Brooks, Trisha Yearwood. Had a great song with "The Song Remembers When". Monday, September 21 was #48 country singer, Faith Hill. Tuesday, September 22 saw the passing of Yogi Berra, St Louis native and Yankee great. He died on the 69th anniversary of his MLB debut - he homered in his first at bat. Today is the 68th birthday of Tulsa's own Mary Kay Place. She played an aspiring country singer in the sit com, Mary Hartman, Mary Hartman and had a top ten country hit with a song, "Baby Boy".

The current discussion at City Council about an ordinance restricting "panhandling" is an interesting one. The civil liberation in me has a problem with the proposed restrictions and, on the other hand, I am troubled by with the real lack on necessity for "panhandling" with the multitude of services available. I think our lack of attention to the growing problems of untreated mental health disease and substance abuse are the true causes of this and lots of others in our community. As Winston Churchill said, "You can always count on Americans to do the right thing - after they have tried every thing else."

Prepare yourself for another embarrassing event for Oklahoma's image - Sen. Shorty introducing Donald Trump on Friday at the State Fair.

See you Friday at the Grill

pete

Cc: juan.balderrama@okc.gov; william.citty@okc.gov; Rick.Smith@okc.gov; john.scully@okc.gov

Subject: RE: pedestrian deaths

Mr. Crum,

Here is the information you requested. Please keep in mind, these stats are only for the last couple of years (2014 and 2015). We are working with the City to pull stats for a longer period of time for the next City Council meeting, and for an upcoming public safety campaign.

Additionally, you can find more information at [http://www.ok.gov/ohso/Data/Crash Data and Statistics/index.html](http://www.ok.gov/ohso/Data/Crash%20Data%20and%20Statistics/index.html) . We report our annual crash stats to the Oklahoma Highway Safety Office.

I will be at a conference tomorrow but you can e-mail me if you have any questions.

From: William Crum [<mailto:WCrum@Oklahoman.com>]

Sent: Thursday, October 1, 2015 3:34 PM

To: Balderrama, Juan F

Subject: Re: pedestrian deaths

Ok and thanks.

William Crum

On Oct 1, 2015, at 2:48 PM, "juan.balderrama@okc.gov" <juan.balderrama@okc.gov> wrote:

<image002.gif>

Working on this sir, we'll get back to you.

From: William Crum [<mailto:WCrum@Oklahoman.com>]

Sent: Thursday, October 1, 2015 12:30 PM

To: Balderrama, Juan F

Cc: Smith, Richard C.; William Crum

Subject: pedestrian deaths

Captain

Could I get a copy of the basic report – ID's, time of day, locations, etc., -- on the 14 pedestrian deaths in 2014 and the 11 so far in 2015? (These are the numbers the chief gave the council.)

This came up at the city council meeting on Tuesday, when council members asked for information on circumstances regarding pedestrian injuries and fatalities.

Smith, Richard C.

From: Georgie Rasco [Georgie@nacok.org]
Sent: Tuesday, September 22, 2015 6:49 PM
To: juan.baldereama2@okc.gov; Randy.wiend@okc.gov; Smith, Richard C.; [REDACTED]; mwoods@krtc.org
Subject: Panhandling Ordinance to be Heard at City Hall

Dear Businesses at NW 23rd and Penn,

Councilwoman Meg Salyer has introduced an Ordinance that will not allow ANYONE to solicit or sell from a public median **and Neighborhood Alliance strongly supports this measure.** This ordinance will not do away with panhandling, as it will still be legal on the curbside, it simply makes it safer for the panhandler and the public by eliminating it from the medians. Creating a business transaction while standing on a median is a traffic and public safety hazard and should not be allowed.

Please call your Councilperson and let them know how you feel about this proposed ordinance. Please plan on attending the City Council meeting on **Tuesday, Sept. 29 at City Hall, 200 N. Walker, 3rd Floor, Council Chambers, 8:30am.** It would be great if you could sign in to say a few brief words by filling out a short form at the desk in the lobby. This is an emotional issue and there will be many, many people there on both sides. Meg will need your support to get this passed.

Panhandling first and foremost degrades the person who is relegated to standing on a street corner to ask for money. It bothers most citizens to think we live in a City that has so few resources for the poor that for some, panhandling becomes a viable job option.

Secondly, it degrades our neighborhoods and makes it look like we are a thoughtless society that doesn't even care if our fellow citizens have to stand on the corner to beg for their existence. It hurts our businesses, our property values, and perceived or real safety issues abound.

23rd and Penn is arguably one of the intersections most frequented by panhandlers in all of OKC. According to many neighborhoods along that intersection, this summer was the worst season by far. Fights erupted at eh intersection over territorial panhandlers. Trash and debris was left on the medians daily. Slamming of brakes was a constant due to Panhandlers stepping out into traffic to collect a donation. Panhandlers take their breaks at the many establishments on the corner of that intersection and continue harassing the customers for change. Church youth groups bring their kids with their football helmets in hand down to "beg" for funds and these children dangerously stand on the medians trying to flag down motorists.

On a recent social media site for neighborhoods (NextDoor.com) many citizens around NW 23rd and Penn said they no longer supported the businesses at that intersection, due to the harassment of the panhandlers. This clearly shows that the City of OKC needs to react to a serious problem that is plaguing our neighborhoods and local business owners alike. They cannot allow a small group of territorial panhandlers to ruin property values, devalue businesses, and chase away a vital customer base.

Officers at OKC Police Department have told me there is a "panhandling church" out of San Antonio that teaches people the art of effective panhandling then buses them to OKC for that purpose. They stand on our corners wearing safety vests and passing out candy in exchange for a donation to their "Recovery Church." The panhandlers give the first \$100 they collect back to the San Antonio "church" and the panhandlers get to keep the rest. These types of programs come to OKC partly because of our lack of effective tools to keep them away.

Arguments against this ordinance are very real, but all have a solution:

- **The solution is to simply educate citizens that there are far more effective ways to support the poor than by giving them cash/food at an intersection**

Response: This is absolutely correct but the educational piece is in addition to passing the proposed ordinance. The City of OKC PIO office has met with VOICE and other groups to begin crafting a sensitive message that can educate citizens about effective giving. Neighborhood Alliance has previously agreed to work with VOICE on a pilot program at NW 23rd and Penn to try out different citizen educational models and see which is most effective.

- **This ordinance will effectively put an end to the very successful "Curbside Chronicle" that is coordinated by the Homeless Alliance and has been very effective and helping dozens of people leave homelessness and become self-sufficient.**

Response: Curbside Chronicle is an exceptional magazine and has been a very successful program for the Homeless Alliance. However, its business model puts its distributors in a dangerous position; expected to stand and sell from public medians with large volumes of traffic zooming past them. Would the City allow/welcome other business to start selling event tickets, magazines, Girl Scout cookies, bottles of water, etc. from the public medians? Then why do we accept it because they are "poor people trying to pull themselves up"? Just because the vendors are "poor" does not mean we as a City should turn a blind eye to their safety needs. If City Officials, Homeless Alliance, citizens, business owners and magazine vendors put their heads together we could save this magazine and make it thrive in safer conditions.

- **This ordinance will throw poor people in jail and give them fines they cannot afford:**

Response: Police are not anxious to arrest poor people or panhandlers. They will issue warnings as many times as feasible, and if Police warnings are ignored they will have to fine or arrest them just as they would any citizen who ignores warnings from police to cease their illegal activity. Just because you are poor does not give you the right to ignore City laws and consequences. The Municipal Attorney told Council members "we do not have debtor's prisons in OKC."

- **This ordinance will push homeless people out of the neighborhood intersections and further into the downtown area:**

Response: First off, statistical reports from across the country tell us that most panhandlers are not homeless, and this ordinance has very little, if anything, to do with homelessness.

- **This City has plenty of programs for the poor but the poor just don't want to use them.**

Response: This is blatantly false. As a City we have very few resources for poor/homeless and we must do better! As individual citizens we must start giving to organized programs like the Homeless Alliance, Upward Transitions, the many shelters, etc. As citizens we must demand that the City provide better funding sources for social services aimed at keeping people/families off the streets.

This ordinance is a much needed FIRST STEP in a multi-faceted solution to the problem. As a City we are known for our heart. We are defined by the Oklahoma Standard. We are a generous people and we are proud of that and the fact is, this ordinance honors that. Let's be smart while being appropriately generous. Let's pass an ordinance that makes it safer for ANYONE who is at a street corner, whether it is a motorist, a pedestrian, a panhandler, or a church youth group. Let's be safe about it OKC and support Councilwoman Meg Salyers' ordinance to restrict panhandlers from city medians.



MEMORANDUM

Council Agenda
Item No.

The City of OKLAHOMA CITY

TO: Mayor and Council
FROM: Kenneth Jordan, Municipal Counselor

ORDINANCE RELATING TO GENERAL PROVISIONS OF THE OKLAHOMA CITY
MUNICIPAL CODE, AMENDING CHAPTER 1 OF THE OKLAHOMA CITY
MUNICIPAL CODE, 2010, SECTION 1-6, PENALTIES FOR VIOLATIONS.

Background: The Municipal Counselor's Office prepared the attached ordinance at the request of Councilmember Stonecipher. This amendment, if passed, will codify the federal and state law requirements regarding indigency hearings.

State law grants the Court the authority to imprison people who have the financial ability to pay any fines, costs and/or fees assessed as punishment by the Court and either refuse or neglect to do so. However, prior to the imprisonment of any person who fails to pay his fines, costs and/or fees, the Court must give the person notice of its intention and conduct a hearing to determine the person's ability to pay.

If the Court determines that a person is able to immediately pay, but refuses to do so, that person may be imprisoned. No person who is financially unable to pay his fines, costs and/or fees can be imprisoned for failure to pay. The ordinance amendment will inform the citizens of Oklahoma City of the rights, responsibilities and remedies available to both the Court and the person against whom the assessment was made.

Review: Municipal Counselor's Office

Recommendation: Resolution be approved.

(Published in The Journal Record this ____ day of _____, 2015)

ORDINANCE NO. _____

ORDINANCE RELATING TO GENERAL PROVISIONS OF THE OKLAHOMA CITY MUNICIPAL CODE, AMENDING CHAPTER 1 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, SECTION 1-6, PENALTIES FOR VIOLATIONS.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Section 1-6 of Chapter 1 of the Oklahoma City Municipal Code, 2010, is hereby amended to read as follows:

CHAPTER 1

GENERAL PROVISIONS

§ 1-6. Penalties for violations.

- (a) In this section "violation of this Code" means any of the following:
 - (1) doing an act that is prohibited or made or declared unlawful or an offense by ordinance or by rule or regulation authorized by ordinance; or
 - (2) failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
- (b) In this section "violation of this Code" does not include the failure of a City officer or City employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.
- (c) Except as otherwise expressly provided in this Code, all violations of this Code are declared to be misdemeanors and are classified as either a Class "a" offense or a Class "b" offense. In the absence of provisions to the contrary, including but not limited to a specific penalty, violations of the Code are a Class "a" offense. A person convicted of a Class "b" offense shall be punished by a fine not exceeding \$1,200.00 plus costs and fees or imprisonment in the City Jail not exceeding six months or by both such fine and imprisonment. A person convicted of a Class "a" offense shall be punished by a fine not

exceeding \$500.00, excluding costs and fees. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

- (d) Any person unable to pay the fines, costs or fees assessed by the Court upon conviction for a violation of this Code may request a hearing to determine his financial ability to pay. No person punished by a fine, costs or fees for a violation of this Code will be imprisoned or assigned community work for nonpayment unless, after notice and a hearing, the Court finds that the person is financially able to pay but refuses or neglects to do so. A hearing regarding a person's ability to pay shall be held prior to any imprisonment or assignment of community work for failure to pay fines, costs and/or fees, even if the person has not requested such a hearing.

Formatted: Justified

- (e) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

INTRODUCED AND READ in open meeting of the Council of The City of Oklahoma

City on this _____ day of _____, 2015.

PASSED by the Council and **SIGNED** by the Mayor of the City of Oklahoma City on this _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

REVIEWED for form and legality this _____ day of _____, 2015.

Assistant Municipal Counselor

Kathy Smith

From: Debi.Martin@okc.gov
Sent: Monday, October 05, 2015 4:39 PM
To: Mark Stonecipher
Cc: cindy.richard@okc.gov
Subject: FW: Councilman Stonecipher's Requested Ordinance Amendment
Attachments: 1-6 council memo CLR edits.docx; 1-6 amendments CLR edits.docx; Amendment to 1-6 FIR.docx

From: Richard, Cindy L
Sent: Monday, October 05, 2015 4:30 PM
To: Martin, Debi A
Cc: Jordan, Kenneth
Subject: Councilman Stonecipher's Requested Ordinance Amendment

Debi, would you please forward this to Councilman Stonecipher? This is the ordinance amendment he requested. It has been uploaded into SIRE this afternoon and will be on for introduction Tuesday, October 13.

Cindy L. Richard

Deputy Municipal Counselor

Office of the Municipal Counselor
700 Couch Drive
Oklahoma City, OK 73102
405.297.3671



THE CITY OF
OKLAHOMA CITY

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MEMORANDUM

The City of OKLAHOMA CITY

Council Agenda
Item No.

TO: Mayor and Council
FROM: Kenneth Jordan, Municipal Counselor

ORDINANCE RELATING TO GENERAL PROVISIONS OF THE OKLAHOMA CITY
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If the Court determines that a person is able to immediately pay, but refuses to do so, that person may be imprisoned. No person who is financially unable to pay his fines, costs and/or fees can be imprisoned for failure to pay. The ordinance amendment will inform the citizens of Oklahoma City of the rights, responsibilities and remedies available to both the Court and the person against whom the assessment was made.

Review: Municipal Counselor's Office

Recommendation: Resolution be approved.

(Published in The Journal Record this _____ day of _____, 2015)

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***Proposed* 2015 Response to Panhandling in Oklahoma City**

Proposed by: Voices Organized in Civic Engagement (VOICE), Catholic Charities and Homeless Alliance

The following proposal is broken into three main categories based on timeline for implementation. Short-term, medium-term and long-term with associated estimated costs.

Short-term

- Focus on community education around alternatives to giving cash at our street corners.
- Promote existing programs like the Curbside Chronicle which employs homeless individuals to sell magazines and works to connect them with services to get into housing and off the streets.
- Give citizens alternatives to hand out besides cash, including mailing out the Real Change Vouchers, Curbside Chronicle cards and a pocket directory to services to citizens.
- Utilize signage to give citizens other options to give or numbers to call to get people help.
- VOICE would host community education meetings to get information out and answer questions about what is really happening at the street corners. These would happen in conjunction with a PR campaign to drive awareness and get accurate information out to citizens.
- Develop a credentialing system that will give law enforcement and service providers a tool to get people help and better understand each individuals' situation while trying to encourage them to get off the streets.
- Engage in research on public safety and figuring out who is at our corners as well as with their needs and opportunities. When investing taxpayer resources, whether trying to use the criminal justice system or a social services approach, we need to understand the problem to be able to deal with it effectively.

Medium-term

- Develop a temporary, low barrier employment model like the van picking people up in Albuquerque, NM to help people get funds without begging.
- Look to the city to identify areas that could be supported in city budget carve outs to employ some of these folks that cannot possibly get work elsewhere.
- Consider investing in an expansion of the OCPD Homeless Outreach Team. These are trained officers focused on building relationships with people begging and help them find better ways to meet their needs.

Long-term

- Look at increasing program capacity for treatment for substance and alcohol abuse and mental illness.
- Consider expanding sheltered employment and housing with case management for those who might benefit. Many of these support services have been found to be cheaper in the long run than housing people in the criminal justice system or treating their conditions via the emergency room.

From: Jordan, Kenneth
Sent: Thursday, September 24, 2015 3:58 PM
To: Jordan, Kenneth
Subject: FW: So I didn't call you.

From: Meg Salyer [REDACTED]
Sent: Thursday, September 24, 2015 3:19 PM
To: Couch, James D; Jordan, Kenneth; Martin, Debi A
Subject: Fwd: So I didn't call you.

Begin forwarded message:

From: Bob Waldrop <[REDACTED]>
Date: September 24, 2015 at 11:56:44 AM MST
To: Meg Salyer <[REDACTED]>
Subject: So I didn't call you.

Meg,

I didn't call. As you may have noticed. There didn't seem to be any point of it. I and others felt betrayed by the quick resort to a punitive ordinance. And you've been all over the media with your "there are plenty of charitable resources" message.

Meg, I'm guessing that you actually believe what you are saying. But it isn't true. Every day people get their utilities shut off, or evicted, or suffer sickness and pain because they are poor and don't the money to buy what they need. I myself, before getting a better job with health insurance, have experienced the pain of letting a tooth decay until it falls out of its own accord because I didn't have money to have it pulled. The Dental School? Several months waiting list. Charity care from a dentist? Not likely. There are a handful of "free clinics" offering very restricted dental services with long waiting lists. I stop taking requests for food deliveries on the third day of each month, because I've received all that I can deliver.

I know of young men who are trading sex with an older man for a place to sleep. I've seen some of them panhandling. When I was 17, I was a teenage runaway. I went from comfortable middle class to homeless teenager on the streets of Denver. I panhandled for money for food. I experienced physical and sexual abuse. Terrible things happen to homeless people. There are predators out there who specifically look for homeless people because they know they won't call the police. If we are worried about the safety of homeless people, well, the risk of being hit by a car while panhandling in the median of a street is way down the list of actual dangers to homeless people.

The reality is that the political choices we make have real world consequences. Oklahoma City has generally worked on the "trickle down" theory -- that if you can pump up the economy with things like downtown construction, Boeing, etc., that somehow this will help everybody. Well, it's not really working. Life is much harder today for lower income people than it was ten years ago. Every month my organization delivers food to

about 350 households, and if we had the people and the food, we could make a thousand such deliveries, every one of them to people deeply in need.

Then there's the issue of public safety. The City Council has made its choices on funding for that. So we don't have any cops patrolling beats, like the NW 23 and Penn area.

They're all either on special squads or answering 911 calls. Then we wonder why the predators come out and take advantage of people. That's why the police used to patrol beats -- to keep a lid of some sort on the potential for violence. They can't be everywhere, but they can be frequently by most places where the risks are greater -- but that hasn't been a priority for OKC. The City Council has to take responsibility for that, and it is unfair to stigmatize panhandlers for the failure of OKC government to properly provide for the public safety of its citizens.

I understand people think that panhandlers make our city look bad. They do. But they are the consequence of our social darwinist public policies. The idea that most of them are scammers is an urban myth without an actual real, documented foundation. The solution to panhandling would be to do something to better the economic circumstances of the poorest among us, but the chance of that actually happening is zero. If it wasn't for food stamps, we'd be picking up the bodies of people who starved to death right here in Oklahoma City.

I don't believe the common statement in this public conversation that the result of this will not be to lock up extremely poor people.

I don't believe the claim that OKC Municipal Courts won't arrest someone because they can't afford to pay a fine.

I have heard too many heartbreaking stories of people who have lost jobs and been evicted from their apartments because they were arrested by OKC because they could not pay a fine. I know someone who was fined \$1,000 by OKC for possessing half a marijuana roach. He's homeless, sleeping on someone's couch. I asked him, and he said nobody ever offered him community service, but instead told him if he didn't pay the fine, he would go to jail. This was last year.

So if its actually true that OKC has decided to stop locking up people because they are too poor to pay fines, I would like to ask for you to get a statement for me, signed by all the OKC municipal judges, stating that they will not lock someone up because they can't pay a fine. I will make thousands of copies and circulate them in lower income communities.

Finally, you and others have claimed that the first resort will not be a ticket, but a warning. Is that actually in the text of the proposed ordinance? Does it say, "Before writing someone a ticket, they must be warned (however many times)? If the fine is \$200 or less, why does it say \$500? Are we supposed to rely on the discretion of police officers? That none of them will ever have a bad day, or be prejudiced against homeless people, and thus they won't decide to take out other issues on the first panhandler they see in the median of a street? If what you want is a \$200 fine, then why not limit it to that?

Why doesn't the ordinance require X number of warnings before issuing a citation? The suspicion is that these things are being said to placate people who may be concerned

about e.g. our overcrowded jail and over-criminalized system that locks people up just because they are too poor to pay fines or cash bail.

I will be there on the 29th and will take my three minutes to publicly speak out. And if it passes, you will certainly find me on a median somewhere, panhandling money to benefit the Oscar Romero Catholic Worker House, and I will promise a most vigorous fight in defense of my free speech and religious, a battle that will be fought in the court of public opinion as well as in the courts.

Panhandler speech is the speech of the least among us. It is therefore most important that the rights of the least among us be protected. I hope you will come to see this and withdraw your proposal, and go back to the table with VOICE and others to find better solutions.

Your constituent,

Bob Waldrop

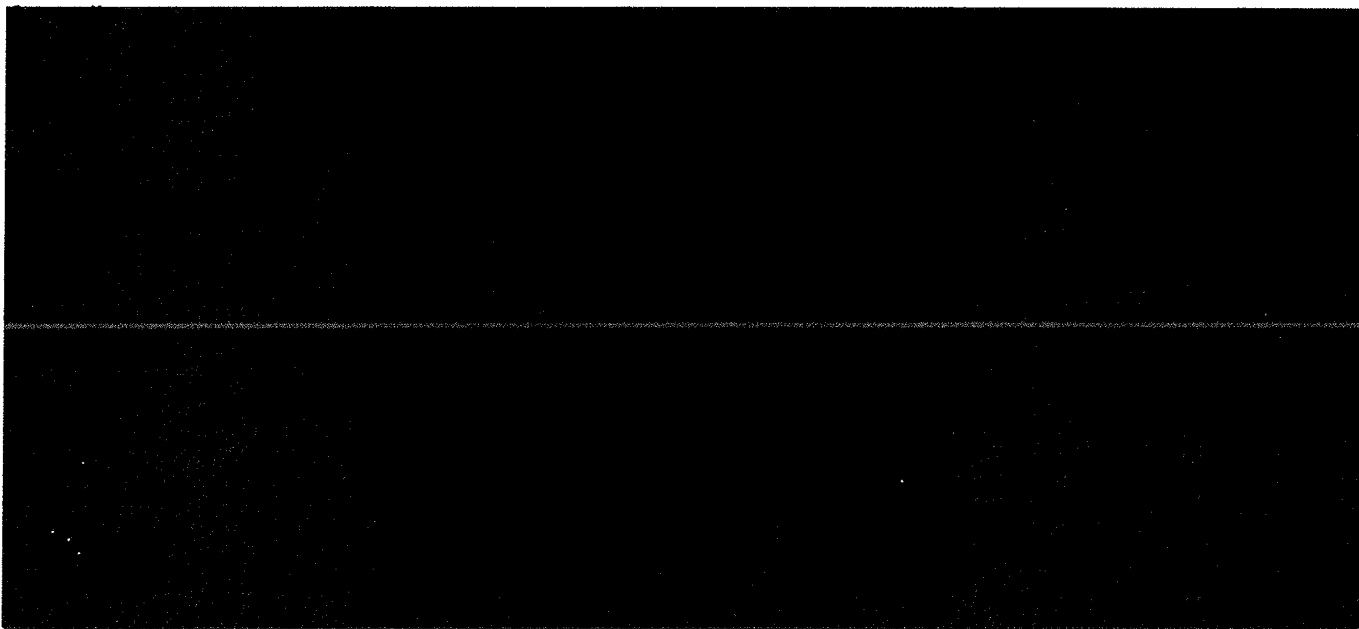
OKC OK 73106

Kathy Smith

From: Mark Stonecipher
Sent: Wednesday, September 30, 2015 9:08 AM
To: Kathy Smith
Subject: FW: CONFIDENTIAL ATTORNEY-CLIENT MESSAGE: TWO EMAILS OF POSSIBLE INTEREST - JUST FYI
Attachments: GeorgieEmail-Panhandling Ordinance.htm; WaldropEmail-Panhandling Ordinance.htm
Importance: High

Please print. Thanks.

From: kenneth.jordan@okc.gov [mailto:kenneth.jordan@okc.gov]
Sent: Thursday, September 24, 2015 4:31 PM
To: Mark Stonecipher
Subject: CONFIDENTIAL ATTORNEY-CLIENT MESSAGE: TWO EMAILS OF POSSIBLE INTEREST - JUST FYI
Importance: High



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Kathy Smith

From: Debi.Martin@okc.gov
Sent: Monday, September 28, 2015 4:57 PM
To: [REDACTED] john.pettis@okc.gov; Mark Stonecipher
Subject: FW: Proposed amendment to Chap. 32--Soliciting/selling to vehicle occupants

Sent to all council. Debi

From: brady@thecontributor.org [mailto:brady@thecontributor.org]
Sent: Monday, September 28, 2015
Subject: Proposed amendment to Chap. 32--Soliciting/selling to vehicle occupants

I am a former councilman in Nashville, Tennessee and the executive director of *The Contributor*, Nashville's street news paper. I hope to shed some light on an important issue facing your city.

As the Oklahoma City Council considers passage of the ordinance that would amend Chapter 32 in regards to pedestrians soliciting rides, business or donations from vehicle occupants from medians, I would like to encourage you to consider the negative impact this ordinance will have on your international award-winning street news magazine, *The Curbside Chronicle*, and its homeless and formerly homeless vendors.

Nashville, its citizens, and its Metropolitan Government have openly supported our street newspaper and have not sought regulatory restriction against the open sell of our city's street newspaper to vehicle occupants.

As a result, since our beginnings in 2007, *The Contributor* has been a highly successful organization in confronting chronic homelessness in Nashville. We are providing an avenue for earned income that, in turn, helps our homeless neighbors find a pathway off the streets and back into the economic community of our city.

A few highlights of that success include:

- *The Contributor's* **300+ annually-contracted homeless/formerly homeless vendors** have earned more than **\$10 million in income** since 2007;
- **42%** of three-month tenured vendors **find housing**;
- At any point in time, *The Contributor* contracts with **nearly 10% of the countable homeless population** in Nashville;
- **\$1.5 million** have been invested by homeless vendors **to help build their micro-businesses**;
- For **every \$1.00 raised** by our organization, **\$5.00 in earned income is generated** among our vendors;
- *The Contributor* has sold **5.5 million copies** and printed **almost 200 issues**.

We are proud of our successes at *The Contributor* and even more grateful that our city and government have seen the value of the work we do among a vulnerable population.

It is my belief that *The Curbside Chronicle* has the same potential to have critical impact on the lives of homeless individuals in Oklahoma City. It is a quality, award-winning publication and source of news and information for the public.

Even more, it can be a low-cost asset in your city's fight against chronic homelessness.

An important piece of the potential of *The Curbside Chronicle* is directly related to vendors' ability to sell the paper to vehicle occupants. Deepening restrictions on the sale of papers to vehicle occupants severely limits any positive progress that has already been made in combating chronic homelessness in your city.

Please do not adopt ordinances that limit proactive, low-cost alternatives to fighting homelessness. If at all possible, I implore you to defer, withdraw or reconsider this ordinance and/or specify exceptions for an organization that truly offers viable, honest employment to those persons who have struggled with the stigma of homelessness.

Lastly, thank you for your service to your community. I can empathize with the difficulty that comes with making sound policy decisions at the local government level. I hope you will be able to find an alternative to the current amendment to Chapter 32.

I've sent information info via mail about the success of our organization for you and your council colleagues to consider. I believe the *The Curbside Chronicle* could see similar successes in OKC. If you'd like to learn more about our work and how it aligns with *The Curbside Chronicle's* work, visit www.thecontributor.org or feel free to email me at brady@thecontributor.org or call me on my cell at 615-663-1037.

Sincerely,

Brady Banks
The Contributor
Executive Director
[REDACTED] (cell)
www.thecontributor.org

P.O. Box 332023
Nashville, Tennessee 37203

(615) 499-6829 - Office
(877) 367-6829 - Fax

*Providing genuine opportunities for advancement.
Sharing diverse perspectives on homelessness.*

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From: [jkseefeldt](#)
To: ryan@nacok.org
Cc: Salyer, Margaret S. [REDACTED]
Subject: Re: A message from Georgie
Date: Tuesday, September 22, 2015 2:11:37 PM

Georgie/Meg,

I support this ordinance.

Matt, can we please put this issue on our October GHD agenda for discussion and, if the majority of board members are in agreement, draft something in writing from GHD in support of the ordinance?

Janet Seefeldt
GHD Board Treasurer

-----Original Message-----

From: Neighborhood Alliance <ryan@nacok.org>
To: jkseefeldt <[REDACTED]>
Sent: Fri, Sep 18, 2015 12:46 pm
Subject: A message from Georgie

We encourage you to learn about Councilwoman Salyer's ordinance and share your opinion with City Council!



September 18, 2015

Dear Friends of Neighborhood Alliance,

I'm writing to tell you that Neighborhood Alliance strongly supports the ordinance Councilwoman Meg Salyer has introduced prohibiting anyone, individual or organization, to solicit or sell from a public median. This ordinance has everything to do with public and individual safety and will not do away with panhandling, as it will still be legal on the curbside, it simply makes it safer for the panhandler and the public by eliminating it from the medians.

From a humanitarian standpoint, a city that is comfortable with its most economically vulnerable members standing in the middle of a busy street, on a median, and begging for money to survive is not the kind of city we want to live in, nor does it uphold the Oklahoma Standard. It troubles most citizens to think we live in a city that has so few resources for the poor that for some, panhandling becomes a viable job option. Until we can solve these larger problems entirely, the least we can do is keep people who must turn to such activities, and the people driving our city streets, safe.

Secondly, it degrades our neighborhoods and gives the appearance that we

are a thoughtless and callous society, one that doesn't even care if our fellow citizens have to stand in the middle of a busy intersection to beg for their existence. It hurts our businesses, our property values, and perceived or real safety issues abound.

The intersection at Northwest 23rd and Penn is arguably one of the medians most frequented by panhandlers in all of Oklahoma City. According to many representatives from neighborhoods along that intersection, this summer was the worst season by far. Fights erupted at the intersection between territorial panhandlers.

Trash and debris was left on the medians daily. Slamming of brakes was a constant due to citizens panhandling on medians stepping out into traffic to collect donations. Panhandlers take their breaks at the many establishments on the corner of that intersection, which is reasonable in theory, but they continue their panhandling efforts, often harassing the customers for change.

Church and other youth groups bring their kids with their football helmets in hand down to beg for funds and these children dangerously stand on the medians trying to flag down motorists. Think of the senseless heartbreak that one misstep in this scenario could create.

On a recent social media site for neighborhoods (NextDoor.com) many citizens around Northwest 23rd and Penn said they no longer supported the businesses at that intersection, due to the harassment of the panhandlers. The City of Oklahoma City must take measures to respond humanely to a serious problem that is plaguing our most economically fragile citizens, neighborhoods and local business owners. We cannot allow a small group of people, whose desperation has unfairly turned them into territorial panhandlers, to ruin property values, devalue businesses, and chase away a vital customer base.

Several police officers have told me there is a "Panhandling church" out of San Antonio that teaches people the art of effective panhandling then buses them to Oklahoma City for that purpose. The panhandlers give the first \$100 they collect back to the "church" and the panhandlers get to keep the rest. These types of programs come to Oklahoma City partly because we lack effective tools to keep them away.

There are some thoughtful concerns or arguments about this ordinance, but all of them have solutions:

Argument: If someone is so desperate that they are standing in the median on a busy street, I think we should help them by giving them change.

Response: This is a reasonable reaction for people to have but remember: this ordinance is about keeping people out of the medians and the streets themselves, for everyone's safety. It is not a reason to not pass the proposed ordinance. The City of Oklahoma City has already started meeting with VOICE and other groups to craft a sensitive message that will educate citizens about effective giving. Neighborhood Alliance has previously agreed to work with VOICE on a pilot program at Northwest 23rd and Penn to roll

out different methods and see which is most effective.

Argument: This ordinance will throw poor people in jail and give them fines they cannot afford.

Response: Police are not anxious to arrest poor people, or panhandlers. They will issue warnings as many times as feasible, and if ignored then fines or arrests may occur, as they would to any citizen who ignores warnings from police to cease their illegal activity.

Argument: This ordinance will push homeless people out of the neighborhood intersections and further into the downtown area.

Response: Statistical reports from across the country tell us that most panhandlers are not homeless, and this ordinance has very little, if anything, to do with homelessness.

Argument: This ordinance will effectively put an end to the very successful *Curbside Chronicle*, the publication coordinated by the Homeless Alliance which has been very effective and helping dozens of people leave homelessness and become self-sufficient.

Response: The *Curbside Chronicle* is a very well-done magazine and has been a very successful venture. However, it has a poor, potentially irresponsible business model which puts its distributors in a dangerous position, wherein they are expected to stand and sell from public medians. If citizens put their heads together we could save this magazine and make it thrive under safer conditions.

Argument: The City of Oklahoma City has plenty of programs for the poor but the poor just don't want to use them.

Response: This is blatantly false. As a city we have limited resources for the poor/hungry and we must do better! As citizens we must demand that the City provides better funding sources for social services aimed at keeping people and families off the streets, and out of such dire circumstances. As individual citizens we must start giving to, and volunteering for, organized programs like the Homeless Alliance and Upward Transitions, among others.

As Oklahomans, we are known for our heart. We are defined by the Oklahoma Standard. We are a generous people and we are proud of that and the fact is, this ordinance honors that. But let's be smart while being generous.

Let's pass an ordinance that makes it safer for ANYONE who is at a street corner, whether it is a motorist, a pedestrian, a panhandler, or a church youth group. Let's be safe about it, Oklahoma City, and support Councilwoman Meg Salyer's ordinance to restrict panhandlers from city medians.

Sincerely,
Georgie

See what's happening on our social sites



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Neighborhood Alliance 1236 NW 36th St. Oklahoma City OK 73118

From: [Martin, Debi A](#) on behalf of [Ward7](#)
To: [Pettis, John A Jr](#)
Subject: FW: Proposed median ordinance
Date: Monday, October 12, 2015 2:07:47 PM
Attachments: [image002.png](#)
[Curbside Chronicle John A Pettis Jr.pdf](#)

From: Laura Dunlop [REDACTED]
Sent: Monday, October 12, 2015 9:04 AM
To: Ward7
Subject: Proposed median ordinance

Dear John A. Pettis Jr.,

Please find attached a letter regarding OKC's proposed median ordinance. We sincerely hope that you will consider The Curbside Chronicle's case ahead of your meeting tomorrow, and that you will not support the ordinance as it goes forward to a vote in December. Please get in contact if you require any more information from INSP.

Yours sincerely,

Laura

Laura Kelly Dunlop
Communications Manager



Address: INSP, 200 Renfield St, Glasgow, G2 3QB, UK
Phone: +44 (0)141 302 6554 | Skype: [insplaura](#)
W: [INSP.ngo](#) | T: @ [INSP](#) / [@laurakaykelly](#) F: [inspstretpapers](#)



From: [Martin, Debi A](#)
To: [Greiner, James L](#); "[Meg Salyer](#)"; "[Greenwell, David](#)"; [Pettis, John A Jr](#); "[Mark Stonecipher](#)"
Subject: FW: Neighborhood Alliance Supports the Panhandling Ordinance
Date: Friday, September 18, 2015 6:03:29 AM

To all Council:
Debi

From: Georgie Rasco [mailto:Georgie@nacok.org]
Sent: Thursday, September 17, 2015 1:18 PM
Subject: Neighborhood Alliance Supports the Panhandling Ordinance

Councilwoman Meg Salyer has introduced an Ordinance that will not allow ANYONE to solicit or sell from a public median and **Neighborhood Alliance strongly supports this measure**. This ordinance will not do away with panhandling, as it will still be legal on the curbside, it simply makes it safer for the panhandler and the public by eliminating it from the medians. Creating a business transaction while standing on a median is a traffic and public safety hazard and should not be allowed.

Panhandling first and foremost degrades the person who is relegated to standing on a street corner to ask for money. It bothers most citizens to think we live in a City that has so few resources for the poor that for some, panhandling becomes a viable job option.

Secondly, it degrades our neighborhoods and makes it look like we are a thoughtless society that doesn't even care if our fellow citizens have to stand on the corner to beg for their existence. It hurts our businesses, our property values, and perceived or real safety issues abound.

23rd and Penn is arguably one of the intersections most frequented by panhandlers in all of OKC. According to many neighborhoods along that intersection, this summer was the worst season by far. Fights erupted at eh intersection over territorial panhandlers. Trash and debris was left on the medians daily. Slamming of brakes was a constant due to Panhandlers stepping out into traffic to collect a donation. Panhandlers take their breaks at the many establishments on the corner of that intersection and continue harassing the customers for change. Church youth groups bring their kids with their football helmets in hand down to "beg" for funds and these children dangerously stand on the medians trying to flag down motorists.

On a recent social media site for neighborhoods (NextDoor.com) many citizens around NW 23rd and Penn said they no longer supported the businesses at that intersection, due to the harassment of the panhandlers. This clearly shows that the City of OKC needs to react to a serious problem that is plaguing our neighborhoods and local business owners alike. They cannot allow a small group of territorial panhandlers to ruin property values, devalue businesses, and chase away a vital customer base.

Sgt. Beto Balderrama of the OKC Police Department has told me there is a "panhandling church" out of San Antonio that teaches people the art of effective panhandling then buses them to OKC for that purpose. They stand on our corners wearing safety vests and passing out candy in exchange for a donation to their "Recovery Church." The panhandlers give the

first \$100 they collect back to the San Antonio "church" and the panhandlers get to keep the rest. These types of programs come to OKC partly because of our lack of effective tools to keep them away.

Arguments against this ordinance are very real, but all have a solution:

The solution is to simply educate citizens that there are far more effective ways to support the poor than by giving them cash/food at an intersection

Response: This is absolutely correct but the educational piece is in addition to passing the proposed ordinance. The City of OKC PIO office has met with VOICE and other groups to begin crafting a sensitive message that can educate citizens about effective giving. Neighborhood Alliance has previously agreed to work with VOICE on a pilot program at NW 23rd and Penn to try out different citizen educational models and see which is most effective.

This ordinance will effectively put an end to the very successful "Curbside Chronicle" that is coordinated by the Homeless Alliance and has been very effective and helping dozens of people leave homelessness and become self-sufficient.

Response: Curbside Chronicle is an exceptional magazine and has been a very successful program for the Homeless Alliance. However, its business model puts its distributors in a dangerous position; expected to stand and sell from public medians with large volumes of traffic zooming past them. Would the City allow/welcome other business to start selling event tickets, magazines, Girl Scout cookies, bottles of water, etc. from the public medians? Then why do we accept it because they are "poor people trying to pull themselves up"? Just because the vendors are "poor" does not mean we as a City should turn a blind eye to their safety needs. If City Officials, Homeless Alliance, citizens, business owners and magazine vendors put their heads together we could save this magazine and make it thrive in safer conditions.

This ordinance will throw poor people in jail and give them fines they cannot afford:

Response: Police are not anxious to arrest poor people or panhandlers. They will issue warnings as many times as feasible, and if Police warnings are ignored they will have to fine or arrest them just as they would any citizen who ignores warnings from police to cease their illegal activity. Just because you are poor does not give you the right to ignore City laws and consequences. The Municipal Attorney told Council members "we do not have debtor's prisons in OKC."

This ordinance will push homeless people out of the neighborhood intersections and further into the downtown area:

Response: First off, statistical reports from across the country tell us that most panhandlers are not homeless, and this ordinance has very little, if anything, to do with homelessness.

This City has plenty of programs for the poor but the poor just don't want to use them.

Response: This is blatantly false. As a City we have very few resources for poor/homeless and we must do better! As individual citizens we must start giving to

organized programs like the Homeless Alliance, Upward Transitions, the many shelters, etc. As citizens we must demand that the City provide better funding sources for social services aimed at keeping people/families off the streets.

This ordinance is a much needed FIRST STEP in a multi-faceted solution to the problem. As a City we are known for our heart. We are defined by the Oklahoma Standard. We are a generous people and we are proud of that and the fact is, this ordinance honors that. Let's be smart while being appropriately generous. Let's pass an ordinance that makes it safer for ANYONE who is at a street corner, whether it is a motorist, a pedestrian, a panhandler, or a church youth group. Let's be safe about it OKC and support Councilwoman Meg Salyers' ordinance to restrict panhandlers from city medians.

Sincerely,
Georgie Rasco,
Executive Director

**Georgie Rasco,
Executive Director
Neighborhood Alliance, Inc.**

1236 NW 36th St.
Oklahoma City, OK. 73118
(405) 528-6322
nacok.org

"Working for 37 years to create safe, attractive and healthy neighborhoods throughout Central Oklahoma"

From: Martin, Debi A on behalf of Ward7
To: Pettis, John A Jr
Subject: FW:
Date: Tuesday, September 15, 2015 5:46:28 AM

This citizen lives in Ward 2.

Debi

From: Clayton Bahr [REDACTED]
Sent: Monday, September 14, 2015 10:47 PM
To: Ward7
Subject:

Dear Council Person,

None of us like panhandling, but the new ordinance proposed by Meg Salyer only seeks to hurt everyone. I understand that you don't want to see people panhandling, that you think it is a detraction from our great city. That makes perfect sense. However, the consequences of this ordinance have a much farther outreach then potentially curbing median panhandling.

1) The Curbside Chronicle is at great risk. To date, this organization has addressed the problem of panhandling in a very successful and creative way and gives esteem to those who previously had none, helping get them off the street. With oil at \$40/barrel and dropping, we will see more on the street and this provides a way to get them off. There are those in this city that are actively trying to do away with panhandling the right way, namely, those at The Homeless Alliance. Meg's ordinance seeks to undermine all the hard work and creative solutions these folks have put forward.

2) The fine is only a fine on the poor. This fine only serves to place another burden, another obstacle on the poor and needy and keep them from finding a way out of their predicament. Unless you've been with them, walked in their shoes, you have no idea how difficult it is to get out of that situation if you find yourself in it. It is not an issue of laziness, it is usually an issue of obstacles.

3) If the ordinance passes, this will only push panhandlers into heavily trafficked areas: malls, parking lots, bricktown, and downtown. While those do exist in small numbers now, have you ever been to a city that is doing what Meg Salyer is proposing? You're constantly being hit up by panhandlers as you walk down the street.

4) And finally, placing fines on people who are struggling to maintain rent and get out of homelessness (this occurs with many, who return to homelessness every few months as they try to escape their situation, no one wants to be homeless) only increases the likelihood that they will remain homeless or become so. Not to mention the fact that the jail time that occurs by not being able to pay this fine clogs our courts and jails and the financial burden rests on us, the taxpayers.

There are better, creative solutions than a tax on the poor.

Sincerely,

C. Clayton Bahr
[REDACTED]
Oklahoma City, OK 73118

Sent from Windows Mail

From: [Neighborhood Alliance](#)
To: [Ward7](#)
Subject: A message from Georgie
Date: Friday, September 18, 2015 12:46:05 PM

We encourage you to learn about Councilwoman Salyer's ordinance and share your opinion with City Council!



September 18, 2015

Dear Friends of Neighborhood Alliance,

I'm writing to tell you that Neighborhood Alliance strongly supports the ordinance Councilwoman Meg Salyer has introduced prohibiting anyone, individual or organization, to solicit or sell from a public median. This ordinance has everything to do with public and individual safety and will not do away with panhandling, as it will still be legal on the curbside, it simply makes it safer for the panhandler and the public by eliminating it from the medians.

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Church and other youth groups bring their kids with their football helmets in hand down to beg for funds and these children dangerously stand on the medians trying to flag down motorists. Think of the senseless heartbreak that one misstep in this scenario could create.

On a recent social media site for neighborhoods (NextDoor.com) many citizens around Northwest 23rd and Penn said they no longer supported the businesses at that intersection, due to the harassment of the panhandlers. The City of Oklahoma City must take measures to respond humanely to a serious problem that is plaguing our most economically fragile citizens, neighborhoods and local business owners. We cannot allow a small group of people, whose desperation has unfairly turned them into territorial panhandlers, to ruin property values, devalue businesses, and chase away a vital customer base.

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model which puts its distributors in a dangerous position, wherein they are expected to stand and sell from public medians. If citizens put their heads together we could save this magazine and make it thrive under safer conditions.

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Sincerely,
Georgie

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Neighborhood Alliance · 1236 NW 36th St. Oklahoma City · OK · 73118

Panhandling PSA Script - DRAFT

VO: Oklahomans are kind, compassionate and always willing to help, especially if someone is facing hard times. (video of volunteers)

Shot of panhandler with sign. (slow motion, black and white shot)

VO: But giving money to panhandlers does not solve the problem of homelessness.

VO: The face of homelessness isn't typically found on our street corners. It's in our shelters, schools and working in our community. (Shots of kids at Positive Tomorrows, elderly at Sunbeam, families at Salvation Army, etc)

VO: There are many local agencies working tirelessly to help the homeless – and they need our help. (Shot of a food line, case worker, job trainer, kids with homework)

VO: Make real change in Oklahoma City. Give to local charities instead. (Shot of cardboard sign that says "Make real Change. Give to local charities.")

VO: Visit **URL** to learn how.

Graphic: www.okc.gov/HelpTheHomeless

###

Reducing Panhandling - Solutions		
Short term		
Program	*Cost	Time frame
Curbside Chronicle	0	Immediate and ongoing
- "I don't support panhandling" card in water bills	?	Short, one-time
VOICE community education	0	3-6 months, multiple events
- Include/part of City PR campaign	?	1 month
- informational mailer from City	?	1 month
Real Change Vouchers		Immediate and ongoing
- promoted by City thru mailer	?	1 month
- become City program	\$12,000	FY17
Academic research	\$10-20,000	Jan '16 to June?
Credentialing	?	
Research safety issues	?	2 months?
Medium term		
Program	*Cost	Time frame
Albuquerque Employment model	\$100,000 (start up)	FY17?
- Possible providers include:		
- Municipal government		
- Labor Ready		
- SHINE		
- Work Ready		
- Urban League		
- Goodwill		
- Private business vouchers		
%age departmental budget reserve	?	FY17?
- Parks and Rec		
- Street cleaning		
- Custodial		
- Waste management		
Increase OCPD Homeless Outreach	\$100,000+/year	FY17?
Long term		
Program	*Cost	Time frame
Increased S/A treatment programs	?	FY17 and ongoing
Increased M/I treatment programs	?	FY17 and ongoing
Increased sheltered employment	?	FY17 and ongoing
Increase VLI housing w/ case mgmnt	?	FY17 and ongoing
*cost to municipal government		

***Proposed* 2015 Response to Panhandling in Oklahoma City**

Proposed by: Voices Organized in Civic Engagement (VOICE), Catholic Charities and Homeless Alliance

The following proposal is broken into three main categories based on timeline for implementation. Short-term, medium-term and long-term with associated estimated costs.

Short-term

- Focus on community education around alternatives to giving cash at our street corners.
- Promote existing programs like the Curbside Chronicle which employs homeless individuals to sell magazines and works to connect them with services to get into housing and off the streets.
- Give citizens alternatives to hand out besides cash, including mailing out the Real Change Vouchers, Curbside Chronicle cards and a pocket directory to services to citizens.
- Utilize signage to give citizens other options to give or numbers to call to get people help.
- VOICE would host community education meetings to get information out and answer questions about what is really happening at the street corners. These would happen in conjunction with a PR campaign to drive awareness and get accurate information out to citizens.
- Develop a credentialing system that will give law enforcement and service providers a tool to get people help and better understand each individuals' situation while trying to encourage them to get off the streets.
- Engage in research on public safety and figuring out who is at our corners as well as with their needs and opportunities. When investing taxpayer resources, whether trying to use the criminal justice system or a social services approach, we need to understand the problem to be able to deal with it effectively.

Medium-term

- Develop a temporary, low barrier employment model like the van picking people up in Albuquerque, NM to help people get funds without begging.
- Look to the city to identify areas that could be supported in city budget carve outs to employ some of these folks that cannot possibly get work elsewhere.
- Consider investing in an expansion of the OCPD Homeless Outreach Team. These are trained officers focused on building relationships with people begging and help them find better ways to meet their needs.

Long-term

- Look at increasing program capacity for treatment for substance and alcohol abuse and mental illness.
- Consider expanding sheltered employment and housing with case management for those who might benefit. Many of these support services have been found to be cheaper in the long run than housing people in the criminal justice system or treating their conditions via the emergency room.

Office of the Mayor and Oklahoma City Council
200 N. Walker
Oklahoma City, OK 73102

Mayor Cornett and Oklahoma City Council Members,

Voices Organized in Civic Engagement (VOICE), Catholic Charities and Homeless Alliance have been in discussion with Councilwoman Salyer and city staff about coming up with solutions to address concerns around panhandling. Before discussing solutions, we must address the ordinance. The proposed ordinance directed at median panhandling is ill-advised at best and potentially a further detriment to public safety by diverting limited resources.

Putting a \$500 fine on this particular problem will not make the problem go away; instead, it will:

- divert already-stretched police services away from neighborhoods and crimes, to confront people begging in the medians;
- tie up city resources processing them through the criminal justice system;
- make the job of service providers more difficult, in that fine and fees make individuals who are in need more difficult to place.

We ask that the city, at minimum, delay this ordinance until other options have been exhausted or drop it altogether as we cannot see how it will be effective in achieving the shared goal of reducing panhandling and will ultimately end up making things worse.

We also ask that the city provide staff or councilors to work with local agencies to develop a plan to address these concerns in a meaningful and effective manner. In order to maximize these efforts, we need to know where the city can offer support and where they cannot.

Attached is a proposal with several ideas aimed at addressing panhandling. Costs and timelines are provided, as are descriptions of the proposed solutions. We welcome the opportunity to explain further or answer any questions. We look forward to working with the city to come up with a solution that works to meet our mutual interests.

Sincerely,

Voices Organized in Civic Engagement
Catholic Charities
Homeless Alliance

From: Smith, Richard C.
Sent: Wednesday, September 23, 2015 6:18 AM
To: Warren, Jennifer M; Jordan, Kenneth
Subject: FW: Panhandling Ordinance to be Heard at City Hall

fyi

From: Georgie Rasco [mailto:Georgie@nacok.org]
Sent: Tuesday, September 22, 2015 6:49 PM
To: juan.baldereama2@okc.gov; Randy.wiend@okc.gov; Smith, Richard C.; [REDACTED]; mwoods@krtc.org
Subject: Panhandling Ordinance to be Heard at City Hall

Dear Businesses at NW 23rd and Penn,

Councilwoman Meg Salyer has introduced an Ordinance that will not allow ANYONE to solicit or sell from a public median **and Neighborhood Alliance strongly supports this measure.** This ordinance will not do away with panhandling, as it will still be legal on the curbside, it simply makes it safer for the panhandler and the public by eliminating it from the medians. Creating a business transaction while standing on a median is a traffic and public safety hazard and should not be allowed.

Please call your Councilperson and let them know how you feel about this proposed ordinance.

Please plan on attending the City Council meeting on **Tuesday, Sept. 29 at City Hall, 200 N. Walker, 3rd Floor, Council Chambers, 8:30am.** It would be great if you could sign in to say a few brief words by filling out a short form at the desk in the lobby. This is an emotional issue and there will be many, many people there on both sides. Meg will need your support to get this passed.

Panhandling first and foremost degrades the person who is relegated to standing on a street corner to ask for money. It bothers most citizens to think we live in a City that has so few resources for the poor that for some, panhandling becomes a viable job option.

Secondly, it degrades our neighborhoods and makes it look like we are a thoughtless society that doesn't even care if our fellow citizens have to stand on the corner to beg for their existence. It hurts our businesses, our property values, and perceived or real safety issues abound.

23rd and Penn is arguably one of the intersections most frequented by panhandlers in all of OKC. According to many neighborhoods along that intersection, this summer was the worst season by far. Fights erupted at eh intersection over territorial panhandlers. Trash and debris was left on the medians daily. Slamming of brakes was a constant due to Panhandlers stepping out into traffic to collect a donation. Panhandlers take their breaks at the many establishments on the corner of that intersection and continue harassing the customers for change. Church youth groups bring their kids with their football helmets in hand down to "beg" for funds and these children dangerously stand on the medians trying to flag down motorists.

On a recent social media site for neighborhoods (NextDoor.com) many citizens around NW 23rd and Penn said they no longer supported the businesses at that intersection, due to the harassment of the panhandlers. This clearly shows that the City of OKC needs to react to a serious problem that is

plaguing our neighborhoods and local business owners alike. They cannot allow a small group of territorial panhandlers to ruin property values, devalue businesses, and chase away a vital customer base.

Officers at OKC Police Department have told me there is a "panhandling church" out of San Antonio that teaches people the art of effective panhandling then buses them to OKC for that purpose. They stand on our corners wearing safety vests and passing out candy in exchange for a donation to their "Recovery Church." The panhandlers give the first \$100 they collect back to the San Antonio "church" and the panhandlers get to keep the rest. These types of programs come to OKC partly because of our lack of effective tools to keep them away.

Arguments against this ordinance are very real, but all have a solution:

- **The solution is to simply educate citizens that there are far more effective ways to support the poor than by giving them cash/food at an intersection**

Response: This is absolutely correct but the educational piece is in addition to passing the proposed ordinance. The City of OKC PIO office has met with VOICE and other groups to begin crafting a sensitive message that can educate citizens about effective giving. Neighborhood Alliance has previously agreed to work with VOICE on a pilot program at NW 23rd and Penn to try out different citizen educational models and see which is most effective.

- **This ordinance will effectively put an end to the very successful "Curbside Chronicle" that is coordinated by the Homeless Alliance and has been very effective and helping dozens of people leave homelessness and become self-sufficient.**

Response: Curbside Chronicle is an exceptional magazine and has been a very successful program for the Homeless Alliance. However, its business model puts its distributors in a dangerous position; expected to stand and sell from public medians with large volumes of traffic zooming past them. Would the City allow/welcome other business to start selling event tickets, magazines, Girl Scout cookies, bottles of water, etc. from the public medians? Then why do we accept it because they are "poor people trying to pull themselves up"? Just because the vendors are "poor" does not mean we as a City should turn a blind eye to their safety needs. If City Officials, Homeless Alliance, citizens, business owners and magazine vendors put their heads together we could save this magazine and make it thrive in safer conditions.

- **This ordinance will throw poor people in jail and give them fines they cannot afford:**

Response: Police are not anxious to arrest poor people or panhandlers. They will issue warnings as many times as feasible, and if Police warnings are ignored they will have to fine or arrest them just as they would any citizen who ignores warnings from police to cease their illegal activity. Just because you are poor does not give you the right to ignore City laws and consequences. The Municipal Attorney told Council members "we do not have debtor's prisons in OKC."

- **This ordinance will push homeless people out of the neighborhood intersections and further into the downtown area:**

Response: First off, statistical reports from across the country tell us that most panhandlers are not homeless, and this ordinance has very little, if anything, to do with homelessness.

- **This City has plenty of programs for the poor but the poor just don't want to use them.**

Response: This is blatantly false. As a City we have very few resources for poor/homeless and we must do better! As individual citizens we must start giving to organized programs like the Homeless Alliance, Upward Transitions, the many shelters, etc. As citizens we must demand that the City provide better funding sources for social services aimed at keeping people/families off the streets.

This ordinance is a much needed FIRST STEP in a multi-faceted solution to the problem. As a City we are known for our heart. We are defined by the Oklahoma Standard. We are a generous people and we are proud of that and the fact is, this ordinance honors that. Let's be smart while being appropriately generous. Let's pass an ordinance that makes it safer for ANYONE who is at a street corner, whether it is a motorist, a pedestrian, a panhandler, or a church youth group. Let's be safe about it OKC and support Councilwoman Meg Salyers' ordinance to restrict panhandlers from city medians.

Sincerely,
Georgie Rasco,
Executive Director

Georgie Rasco,
Executive Director
Neighborhood Alliance, Inc.

1236 NW 36th St.
Oklahoma City, OK. 73118
(405) 528-6322

nacok.org

"Working for 37 years to create safe, attractive and healthy neighborhoods throughout Central Oklahoma"



September 28, 2015

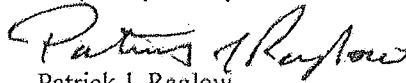
Councilman Patrick Ryan
City Hall
200 N. Walker
Oklahoma City, OK 73102

Dear Councilman Ryan:

Thank you for your service to the citizens of Oklahoma City, especially those in Ward 8. I am writing to offer the assistance of Catholic Charities of the Archdiocese of Oklahoma City, along with our many community partner agencies, to arrive at a thoughtful, considered and positive approach to addressing the concerns of panhandling within city limits, as is being considered at the Council meeting on September 29th. Neither I nor our partner agencies are "pro" panhandling. Indeed, there are many more effective approaches to addressing the needs of our homeless population than allowing the solicitation, giving or receipt of donations through panhandling or similar activities on city streets and medians. Unfortunately, the proposed ordinance change addresses only a portion of the concern, and then in my view poorly. The ordinance at present only penalizes behavior; it neither positively incentivizes different behaviors by the panhandling population (solicitor or donor), nor connects them to alternative solutions offered by community agencies. The proposed amendment may move or mask the underlying problem, but it will not end panhandling as a stand-alone measure.

My read of the proposed amendment expresses a concern for safety, but outside of reported calls from concerned citizens I see no data detailing the number and types of violations, citations, fines, accidents or injuries it purports to preclude. Given this, the proposed amendment appears a blunt response to an ill-defined problem. I do not deny there are legitimate safety concerns; I just don't see a clear link between the proposed ordinance and meeting those concerns. Further, the ordinance as written will have unintended consequences both for the target population and for desired community activities, including the City's planned (and unplanned) future development such as MAPS 3 and other civic activities. Therefore, I respectfully request the City Council delay implementation of this ordinance and to proactively engage community service providers so as to craft a more balanced solution to the panhandling problem, which engages the affected population with positive alternatives as offered by many service providers. If the City can work with service providers and the homeless (and/or panhandling) community on developing a balanced response to this issue, it will establish as well a more effective roll-out of planned MAPS 3 projects. If the council chooses to act only on this ordinance, the underlying causes behind panhandling will not be addressed, panhandling activities will move to other locations, and at the end of MAPS 3 development, we'll still have to figure out how to effectively engage our homeless brothers and sisters as they interact with our new tram system, convention center and city park. I look forward to working together to craft a more effective solution to this problem. Thank you for your consideration, and for your service to our community.

Very Respectfully,


Patrick J. Raglow
Executive Director

PROVIDING HELP • CREATING HOPE • SERVING ALL

1001 North Lincoln Blvd., Oklahoma City, OK 73106

Phone: (405) 241-4000 • Fax: (405) 241-4000

www.catholiccharitiesok.org



0334



From: Yager, Kristy D
To: [REDACTED]
Cc: Meg Salyer; Salyer, Margaret S; Martin, Debi A
Subject: Oklahoma City's proposed Median Safety Ordinance
Date: Friday, October 30, 2015 2:54:21 PM

Hi Phyllis,

I'm writing on behalf of Oklahoma City Councilwoman Meg Salyer. She's interested in meeting with the editorial board about the proposed median safety ordinance that will be voted on by City Council on December 8.

Can you please find out if the board would benefit from getting her perspective on this subject?

Kristy Yager, Director
Public Information and Marketing
City of Oklahoma City
200 N Walker, Oklahoma City, OK 73102
(405) 297-2550

From: [deEtte Hankins](#)
To: [Ward7](#)
Subject: Median Panhandling
Date: Thursday, December 03, 2015 2:31:10 PM

I hope if you decide to pass this ridiculous ordinance, you will also ban Fire fighters raising money for MDA with the boot. School children raising money with car wash signs, for sporting events at school etc. Yes, that sounds silly, so does this ban. The people in the green vests are trying to better themselves.

Sent from my iPad

From: Martin, Debi A
To: Greiner, James L; [REDACTED]; [REDACTED]; McAtee, Lawrence F Jr; [REDACTED]; "Greenwell, David"; "Meg Salyer"; Pettis, John A Jr; "Mark Stonecipher"
Subject: FW: Intro on No Soliciting on Medians Ordinance
Date: Monday, September 14, 2015 11:54:26 AM

To All:

Council are receiving emails today regarding the no solicitation on medians. One of the primary points of opposition is the fine and costs to individuals who are disadvantaged.

This email is being forwarded to you to clarify the issue of jail time and fines.

FYI
Debi Martin

-----Original Message-----

From: Jordan, Kenneth
Sent: Monday, September 14, 2015 11:05 AM
To: Richard, Cindy L; Yates, Laura K;
Cc: Massucci, Patti J; Kaszowski, Michele M; Fulton, Boyd B; Berry, Major T; Martin, Debi A; Smith, Richard C.; Warren, Jennifer M; Hughes, Tina
Subject: Intro on No Soliciting on Medians Ordinance

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2015 Panhandling Education Campaign PR plan - DRAFT

Make Real change with your spare change.

On any given day, chronic panhandlers can be found on busy intersections and medians throughout Oklahoma City. Strategies are needed to educate residents that the face of homelessness is not on OKC street corners – it's in our shelters, schools and community.

Goal

- Educate people about panhandling and alternative options for giving.
- Lead panhandlers to the services they need
- Raise awareness that giving to panhandlers does not solve their problem and in many cases contributions keep them from getting the help they need.

Why are we doing this?

- The face of homelessness is not on a street corner.
- Giving money to panhandlers does not solve the problem of homelessness.
- Hundreds of homeless people who don't panhandle need your contributions.
- Encourage people to donate to organizations that help the homeless
- Have compassion, but think twice before giving to panhandlers.

Strategy

- Partner with nonprofits organizations to change the behavior of givers by educating residents about panhandlers.
 - Reduce the number of people contributing money to panhandlers
- Educate panhandlers about resources
- Educate police regarding panhandling laws

Key Messages

- The face of homelessness is not on a street corner. Giving money to panhandlers does not solve the problem of homelessness.
- Make real change with your spare change/ Give a hand up rather than a handout.
- Be charitable by offering bottled water, crackers, fruit cups, bus passes, soap or even a toothbrush and paste instead.
- Consider donating to an organization that helps the homeless

Tactics

- **Town Hall Meetings – City**

- **Posters for the business community**
 - Distribute through Chamber of Commerce
 - Give to businesses near panhandling locations
- **Social Media**
 - Tweet info prior to campaign
 - Post messages on FB
 - Send meeting invites via Next Door
- **Print**
 - Brochures
 - Insert or article in the water bill newsletter (insert or article)
 - News release
 - Church Bulletin article
 - Oklahoman story
 - Gazette – pitch cover and feature stories
 - Email distributed through Neighborhood Alliance?
- **TV**
 - Guests on morning/afternoon news shows
- **Outreach to police**
 - Flyers to police and sheriff's offices that panhandlers have a first amended right to panhandle.

- Schedule community meetings in north and south Oklahoma City to educate residents about panhandling. Have homeless advocacy groups sit on panels and address the realities of panhandling.
- **Speakers Bureau – Non profit groups**
 - Homeless advocacy groups go to churches to talk about panhandling, alternative ways of giving and how to get involved with their organizations.
 - Meeting with church leaders/Baptist Convention/Methodist leaders
- **Brochures**
 - Create brochure to give to those who want to give
 - Create brochure that directs panhandlers to services
- **Outreach to Panhandlers** (advocacy organizations)
 - Ensure panhandlers know about services and are being served.
- **Intersection signs** that encourage panhandlers to call 211 for food and shelter
 - Concentrate on five intersections
 - Memorial and Penn
 - I-40 and MacArthur
 - I-240 and Penn or Western
 - SE 44 and I-35
 - NW 23 and Penn
- **Create a video PSA** in Spanish and English educating residents about panhandling
 - Cox
 - Channel 20
 - Imbed in City and partner websites
 - YouTube
- **Build web page** as a resource for information and donations (
 - Tips on how to respond to panhandlers
 - Links to charities
 - City ordinance on panhandling
 - Alternatives to giving money
 - Bus vouchers
 - Curbside card
 - Compassion card
 - Resource list

Panhandling Web Copy - DRAFT

Chronic panhandlers can be found on busy intersections and medians throughout Oklahoma City. Giving to panhandlers does not solve their problem, and in many cases, financial contributions hinder them from getting the help they need. Panhandlers need help, not a handout.

Oklahoma City and homeless advocacy groups are asking you to think twice before giving money to panhandlers, and donate to local charities that serve homeless families instead.

The face of homelessness isn't typically found on our street corners. There are many local agencies working tirelessly to help the homeless – and they need our help.

City Care – www.citycareinc.org

City Care is a nonprofit organization serving the less fortunate in the Oklahoma City metro by feeding the homeless and impoverished, providing affordable housing for low income individuals and by pairing tutors and mentors with at risk, inner city children.

City Rescue Mission – www.cityrescue.org

City Rescue Mission is a private, faith-based nonprofit organization providing solution-based ministry to the homeless and near homeless in the Oklahoma City metro.

Jesus House – www.jesushouseokc.org

Jesus House is an inner-city, non-denominational Christian outreach to the homeless, near homeless, addicted and mentally ill. They spread the love of Christ by providing food, shelter, clothing and assistance to those in need.

Upward Transitions – www.upwardtransitions.org

Upward Transitions elevates those who are in need, stranded or homeless to a position of self sufficiency.

Homeless Alliance – www.homelessalliance.org

Homeless Alliance is a not-for-profit organization dedicated to rallying our community to end homelessness in Oklahoma City through collaboration with service providers, city government, and local businesses.

Other options for giving to Panhandlers

There are other ways to give directly to panhandlers other than offering money. Consider donating:

- Drinks such as bottled water or boxed juice
- Food such as crackers, granola, fruit cups or dried fruit and nuts
- Toothbrush, soap or body wash
- Bus passes
- Gift Cards

- Jackets or socks
- Pet food

Safety issues dealing with panhandlers

The safety of panhandlers and drivers in busy intersections has also become a concern in Oklahoma City. Panhandlers who dart across busy lanes of traffic to get money and drivers who stop without warning to give to panhandlers can create traffic hazards.

Tips on interacting with panhandlers

- Be respectful to panhandlers
- Say no politely
- Make eye contact or acknowledge the person with a nod
- Be confident
- Call 911 if a panhandler becomes aggressive. Aggressive panhandling is illegal.

Oklahoma City's panhandling ordinance

Panhandlers have a First Amendment right to peaceably hold a sign or ask for money on public property. However, City ordinance 30-428 makes aggressive panhandling illegal. Illegal activity includes panhandlers who:

- Continue to ask for money or follow, the person even after they are declined.
- Touch a person without consent
- Block a pedestrian or vehicle
- Use profane or threatening language or gestures while soliciting
- Soliciting from people who are waiting in line for tickets, entering a public building or riding on a bus.
- Soliciting in groups of two or more in an intimidating way
- Soliciting within 20 feet of an outdoor seating area of a business, ATM or bus stop.
- Soliciting after dark.

The safety of panhandlers and drivers in busy intersections is also a concern. Panhandlers who dart across busy lanes of traffic to get money and drivers who stop without warning to give to panhandlers can create traffic hazards.

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- Soliciting in groups of two or more in an intimidating way
- Soliciting within 20 feet of an outdoor seating area of a business, ATM or bus stop.
- Soliciting after dark.

Churches and organizations that would like to learn more about homelessness can XXXXXXXXXX.

Here are a few local charities that help the homeless:

- City Care
- City Rescue Mission
- Jesus House
- Upward Transitions
- Neighborhood Alliance

People who want to help the homeless can log on to XXXXXX and find a list of nonprofit organizations they can give to that help Oklahoma City's homeless population.



The City of
OKLAHOMA CITY

News Release

Public Information Office

200 N Walker • Oklahoma City, OK 73102

Telephone 405 297 2578
FAX 405 297 3124

X/xx/14

Contact: Kristy Yager, 582-0803
Kristy.yager@okc.gov

Residents asked to be compassionate but think twice before giving to panhandlers - DRAFT

Panhandlers can be found on many busy Oklahoma City intersections. Their pleas for help are difficult to ignore, particularly for generous Oklahomans.

Some panhandlers need intervention for mental illness and addiction, but for others panhandling is a lucrative profession.

"Many residents give to panhandlers because they think they are homeless, but most aren't," XXXXXXXX said. "The face of homelessness is not typically found on our street corners. It is in our shelters, our schools and working in our community. Giving money to panhandlers does not solve the problem of homelessness."

Homeless advocacy groups such as City Care, City Rescue Mission, Jesus House, Upward Transitions and The Homeless Alliance have asked the City to team up with them to launch a campaign to educate people about panhandling and alternative options for giving.

"XXXXXXXXXX, Ward Six councilperson Meg Salyer said.

"We reach out and offer housing, food and job training to panhandlers, but that's not what many are looking for," said someone. "The funds they raise on street corners are often used to buy drugs and alcohol – things that only perpetuate their problems."

August 2010:

ACLU beats back Salyer's attempt at anti-panhandling ordinance; terse letter to Pat Ryan

Jan. - June 2015:

Complaints about panhandlers by merchants on 23rd and Penn.

June 18, 2015:

Brian Jennings, OKCPD sends email to several city officials, including Salyer, and Debbie Martin, about the 'general activity' at NW. 23 and Penn.

Email notes:

3 felony arrest.

3 city warrants.

3 public drunks.

1 trespassing.

2 stepping into roadway.

2 homeless individual giving assistance by hot team.

Jennings also adds this note: People in DETOX were released, a cab would take them somewhere within 3 miles. They were choosing NW 23rd and Penn as the destination. That situation was changed, Jennings said, now they were being taken to shelter.

June 25, 2015:

Kristy Yager, OKC Pio shares draft of anti-panhandling promotional effort with Nick. Singer. Project includes speaker's bureau, brochures, videos, signs, web pages social media, etc.

Friday, July 31:

Debi Martin tells police officials that Salyer has scheduled a meeting to talk to business impact by the panhandling issue. Martin notes that Salyer working with Neighborhood Alliance and asked for police and municipal counselor's office.

Georgie (NA executive director sends email to Martin the same day), saying she wants meeting to 'be a way for the city and police to tell business owners the best way to "protect their properties and business from panhandlers and the homeless," 24 businesses on list.

August 7, 2015:

Salyer has meeting about panhandling with merchants at NW 23rd and Penn.

Aug. 7:

Georgia (NA) sends email to OKC FD, Keith Bryan, fire chief about Salyer's meeting.

New Phoenix median law poses panhandler paradox

 Caitlin McGlade, The Republic | azcentral.com 9:59 a.m. MST December 3, 2014

Phoenix leaders, police and even homeless advocates have agreed the law was not intended to criminalize homelessness.



(Photo: Photo by: Mark Henle/The Republic)

On a good day, Danny Benham makes about \$40.

It takes patience. For about four hours, he must stand on a strip of concrete between lanes of opposing traffic and scores a buck or two at a time.

It takes humility. He must endure the occasional bully, like the one who rolled down his window to unleash a stream of pepper spray. Or unwanted solicitations, like the naked man who cruised up assuming Benham was a prostitute.

And it also takes guts. Benham must dart out into the road to retrieve cash or coins that drivers toss out their windows as they speed by.

That's precisely what Phoenix police want to stop in a city that sees about 40 pedestrian deaths a year and in a Valley that has ranked among the top 10 spots in the nation where pedestrians are likely to be hit and killed. *Evidence*

The City Council in November unanimously passed an ordinance to outlaw standing in medians. Scofflaws will face a \$250 civil fine after their first warning and a criminal misdemeanor on their third offense. *Crime or Community Service*

It already was illegal to stand in some medians around the city, such as ones owned by the state near freeways that are marked by signs warning of trespassing. People have tended to stand on those anyway, and officers in the past have typically asked them to move, Lt. Matt Giordano said. *CRIME OR COMMUNITY SERVICE TO THAT*

But the police will begin enforcing those more rigorously, he said.

Council members heralded the measure as a long-needed public-safety improvement. But some fear the law could disproportionately punish homeless or impoverished people who stand in medians to collect money from passers-by.

Safety concerns

Giordano was assigned to the traffic bureau about two years ago. He started looking at the statistics and considering possible ways to curb those numbers.

In 2013, there were 147 injuries or fatalities from jaywalking citywide. *ENFORCE*

Nine out of 10 times, he said, the pedestrian is at fault, he said.

"The person driving the vehicle ... they're driving within the speed limit, they're not impaired, they're using their seat belt and a pedestrian comes out where it's not expected," he said. "That doesn't make them feel any better that they killed someone."

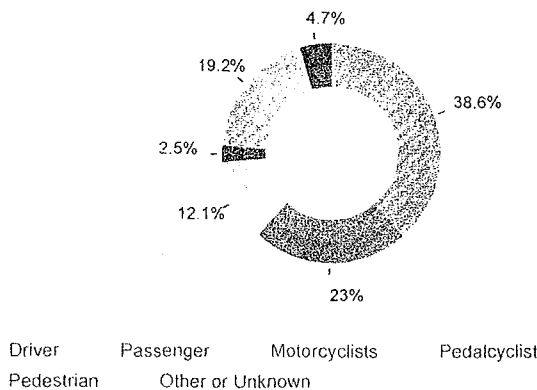
The police launched a couple of educational and enforcement campaigns since. Police spent weeks stopping pedestrians they found crossing roads in non-designated areas to talk about the risks. Next, they educated people they found darting across light-rail tracks about the risks.

The next move, Giordano said, was the ordinance.

Council members said they hope the ordinance ends an issue they and their constituents have encountered for too long. They pointed to individuals who stand in the median to advertise car washes or sell Girl Scout cookies as part of the problem.

Advertise For *Woman Fund*
"It has become a major problem on so many roads," Councilwoman Thelda Williams said.

Arizona — Traffic Deaths



WE NEED STATISTICS

See more details »

GRAPHIQ

Arizona — Traffic Deaths | FindTheBest ([http://vehicle-fatalities.findthebest.com/1/3/Arizona/#traffic%20deaths&s=Aq\(RJ\)](http://vehicle-fatalities.findthebest.com/1/3/Arizona/#traffic%20deaths&s=Aq(RJ)))

A national trend

There is a growing trend among cities nationwide to pass laws that criminalize homelessness, said Jeremy Rosen, director of advocacy at the National Law Center on Homelessness and Poverty in Washington, D.C.

Such ordinances, typically billed as public-safety measures, wind up punishing homeless people for activities they cannot avoid, he said.

In 2014, the number of cities passing bans on begging increased by 25 percent, while that figure rose by 60 percent for cities banning camping citywide, according to a report by Rosen's organization.

Jerry Jones, the executive director of the National Coalition for the Homeless, said he considers laws that ban median-standing as criminalizing measures. It's an attempt, he said, "to make homeless folks less visible."

A federal court struck down a similar law in Portland, Maine, after the American Civil Liberties Union of Maine argued that it violated free speech.

A spokesman from the ACLU of Arizona said the Phoenix law has the potential to prohibit free-speech, and the group will watch to see how officers enforce the Phoenix law.

An inch, not a mile

But city leaders, police and even homeless advocates have agreed the law was not intended to criminalize homelessness.

The main concern is to make sure the police ^{KEY ENFORCEMENT} enforce the ordinance equally, regardless of who stands in the median. Rosen said laws such as the Phoenix ordinance can lead to certain groups getting targeted.

"This would be an inch toward criminalization, not a mile," said Brad Bridwell, with Cloudbreak Communities, a special-needs housing developer for homeless veterans.

Both he and Michael Shore, who chairs the Arizona Coalition to End Homelessness, told the council before the vote that the law could throw homeless people into a cycle of fines they could never pay.

The effect would be twofold, they said. ^{WE DON'T HAVE, RIGHT} The city would expend resources by cycling offenders through Homeless Court only to dismiss fines they didn't have money to pay. ^{LOST WANT} And the homeless individuals slapped with misdemeanors would be barred from housing options that ban people with criminal records. ^{NO Misdemeanors}

However, Shore and Bridwell became comfortable with the measure after the council agreed to require police to formally warn all people who stand in medians. ^{NO ENFORCED, SPREADER} ^{NO} ^{NO}

Both also said Phoenix treats the homeless population much better than other cities, and couldn't point to any existing laws that criminalize the homeless.

0585

"I don't see it spiraling out of control under (Mayor Greg) Stanton's leadership," Shore said. "It still has the potential. We'll wait and see."

Giordano said the officers look to connect homeless people they interact with to services.

A program that launched this summer, known as the Misdemeanor Repeat Offender Program, encourages officers to connect runaways, mentally ill and those without serious criminal backgrounds to city social workers.

Giordano stressed that the group that formed the new ordinance did not seek to end panhandling.

"We wanted to make sure we weren't targeted any one group. Panhandling is protected free speech," Giordano said.

} GOAL

Benham, who has lived on the streets for five years, makes his living by panhandling. He'll stop by churches for a free meal occasionally, but he said he made a promise to himself years ago that he was going to at least make enough money to choose where he eats.

The former Fry's employee actually found panhandling to bring in up to \$100 a day or so a few years ago, but lately the amounts are much smaller.

He said he was accustomed to police officers waiving him off the medians in the past. But with the added fines and enforcement?

"Chances are I'll go to jail at least once."

Republic reporter Dustin Gardiner contributed to this article.



Phoenix Police Department Detective Rusty Stuart (right) talks with Gabriel Shaffer, May 22, 2014, in Margaret T. Hance Park. Rusty offered, Gabriel, who is homeless, assistance. What started informally as a "street crime-reduction" effort in one precinct by a few citizen activists and Stuart is now being applied across citywide. (Photo: Mark Henle/The Republic)

Read or Share this story: <http://azc.cc/1rN3C9Y>

I. INTRO.

- A. ORD. TO BE INTRODUCED
- B. PUBLIC HEARING: 9/28/15
- C. FINAL HEARING: 10/12/15

II. PURPOSE: WILL PROHIBIT PEDESTRIAN
SOLICITATION w/in ROAD
MEDIANS AND IN THE
ROADWAYS

III. PUBLIC SAFETY: SOLICITORS ACTIVITIES
POSE A RISK BOTH TO THE SOLICITORS
& TO THE MOTORING PUBLIC
MOTORIST ARE AT RISK OF STRIKING
SOLICITORS OR IMPEDING THE FLOW
OF TRAFFIC

IV. CONTENT BASED RESTRICTIONS

ie a restriction on the exercise
of free speech based on the
subj. matter or type of speech

- SUCH A RESTRICTION IS PERMISSIBLE
ONLY IF IT BASED ON A COMPETENT
STATE INTEREST AND IS NEARLY
WORDED THAT IT BENEFITS ONLY
THAT PURPOSE

V. U.S. S. CRT HAS LONG HELD THAT GOVT. MAY REGULATE CERTAIN ASPECTS OF

EXPRESSION: These aspects of
regulation are typically referred
to as (1) TIME; (2) PLACE; &
(3) MANNER } T.A.M.

JUSTICE KENNEDY 1990's

- SOCIETY FOR HUMAN RIGHTS
- US VS. KENNEDY
- REPORTS
- ANAL. FACILITY

Edmund Company

III. Other ways to contribute:

- DONATIONS TO CHARITIES
- WESTERN; CITY RESCUE; CITY CARE
- CATHOLIC CHARITIES; SALVATION ARMY;
- HOMELESS ALLIANCE

IV. Spoke to:

- DAN STICHA: HOMELESS ALLIANCE
- LARRY BOIS: CITY CARE
- SUPPORT CARTS

V. PUBLIC EDUCATION CAMPAIGN

TO ENCOURAGE PEOPLE TO
SUPPORT HOMELESS ORGANIZATIONS

INSTEAD OF CASH TO
PANHANDLERS

VI. REAL CHANGE VOUCHERS

School districts would

VII. OKlahomans: VERY GENEROUS

& GIVING: ∴ IT WORKS

Community service - 100 hours

VIII. PANSHUNT: \$500 fine; \$1200 + ap to 6 month jail, or bond

- ① WORK TO FIND CONSTRUCTIVE WAYS
VS. CRIMINALIZING ALL ACTIVITY

IX. Severance: 1st 2 VIOLATIONS: Infraction RESULTING AN APPEARANCE IN CET

2nd VIOLATION w/in 6 months: misdemeanor

1st fine and possible jail time

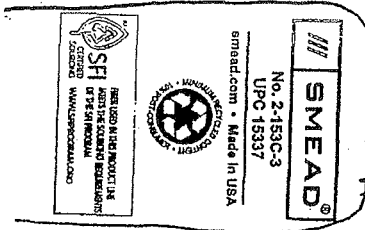
or community service + Evening

II. PARANORMALS IS KNOWN AS
A PROTECTED FORM OF FREESPEECH

I. ORA CAN BE CRAFTED
SO LOW AS THE
RESTRICTION IS BASED
ON A COMPULSIVE STATE
INTEREST & IS NARROWLY
CONSIDERED

II. ^{PSYCHIC} ~~CONTAMINATED~~ : Public Welfare -
• DETERMINABLE BY A FIVE OR ABOVE SERVICE
• EVANSTON

II. PEDESTRIAN DEATH NO. : PHOENIX : 40 DEATHS A YR.



XII. PUBLIC EDUCATION
• PUBLIC SERVICE MESSAGE

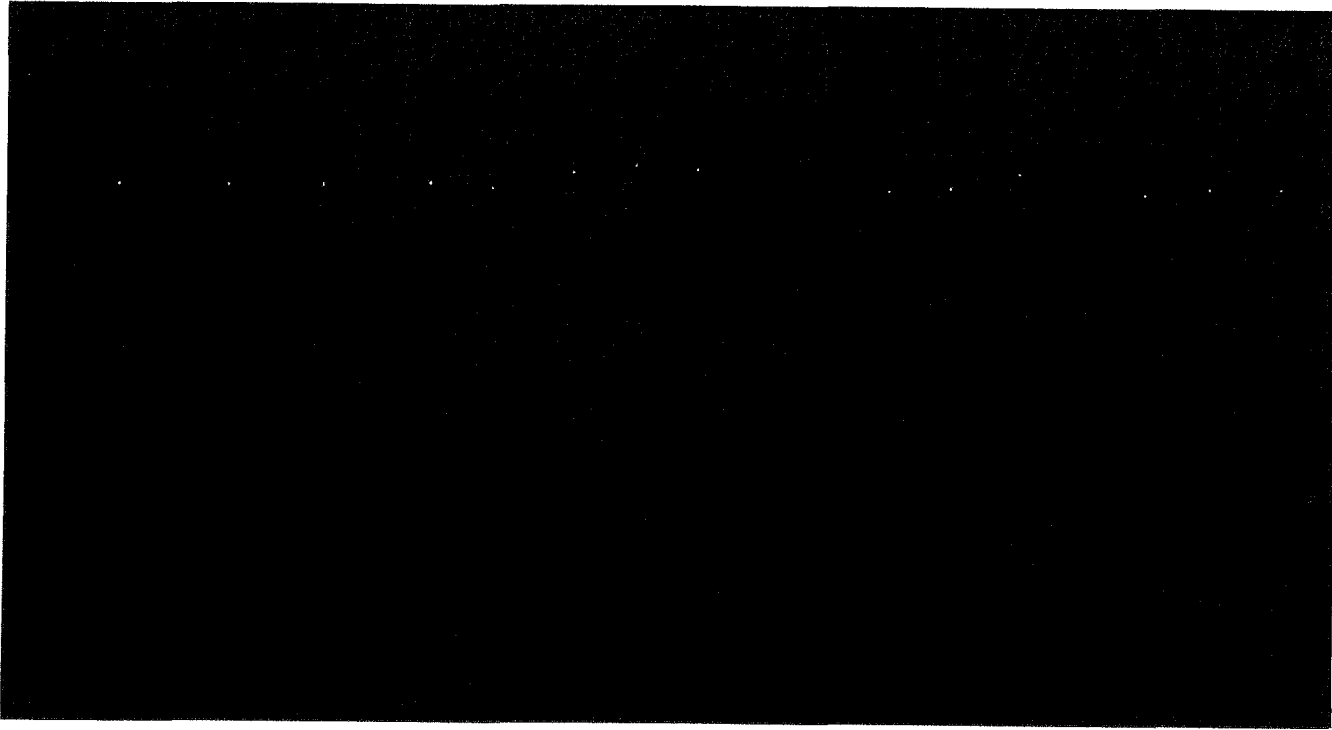
XIII. School vs. 300 feet

XIV. LESS THAN CITYBLOCK

• DRAW A MAP

Educa. Campaign / Public Education

Rick & Jennifer
Written are
working on
this - we'll
get back w/you.



From: Tanya Cox [mailto:tcox@acluok.org]
Sent: Friday, August 13, 2010 2:20 PM
To: Ward8
Subject: Please Vote No on Proposed Language Change on Panhandling Ordinance

August 12, 2010

City Clerk
Attention: Councilman Patrick J. Ryan
200 N. Walker, 2nd Floor
Oklahoma City, OK 73120

Dear Councilman Ryan,

The ACLU of Oklahoma's mission is to protect the fundamental civil liberties and Constitutional rights of all Americans, but the proposed changes to *Section 32-458 of Article XIII of Chapter 32 of the Oklahoma City Municipal Code* target politically disenfranchised individuals soliciting in the streets. We have many concerns with the proposed changes and believe such changes would impede on the Constitutional rights of panhandlers.

Councilwoman Meg Salyer has proposed amendments to *Section 32-458* which would forbid panhandling in a median with an exception for those who obtain a permit and show proof of insurance. The Council Agenda states the purpose of these changes would be to improve safety for solicitors and drivers and to decrease traffic interference during rush hours; however, these safety concerns are not truly being addressed.

The real effect of these changes would be to create a barrier to street soliciting based on economic class, because those who can afford the permit and insurance are still able to panhandle. Individuals who have the means to afford this permit are still exposed to the same safety concerns that this ordinance claims to protect. The current ordinance already forbids panhandlers from entering the street while traffic is moving. Past safety problems were the result of panhandlers breaking the current ordinance and interfering with traffic. While driver safety and preventing driver distractions is a legitimate government interest, the ordinance changes only decrease the risk of injury by limiting panhandling based upon economic status. Indigent panhandlers would then be restricted to sidewalks, which may actually result in an increased safety risk due to the fact that sidewalks are primarily located closest to the passenger's side of the vehicle.

These proposed changes significantly and unnecessarily restrict the first amendment rights of panhandlers as they further limit the locations panhandlers may place themselves and do not provide ample alternatives channels to allow panhandlers to exercise these constitutionally guarded rights.

The underlying purpose of the ordinance changes is to keep the indigent panhandlers out of sight, but the act of panhandling is First Amendment protected speech and cannot be restricted so arbitrarily. In order for regulations on protected speech in a public forum to be constitutional, the restrictions must be "[1] content-neutral, [2] narrowly tailored to serve a significant government interest, and [3] leave open ample alternative channels of communication."^[1]

It is the ACLU of Oklahoma's position that the proposed changes to *Oklahoma City Municipal Ordinance Section 32-458* would violate the Constitution; 1) The ordinance is not narrowly tailored because it applies to medians in an entire city; 2) The ordinance provides no ample alternatives because in a city not built for pedestrians, medians have become the functional equivalent of a sidewalk. Additionally, it unnecessarily and irrationally restricts the speech rights of a disadvantaged socioeconomic class.

During August 3rd's city council meeting, Councilman Pat Ryan also highlighted the contradiction of the proposed language: "If we think this is a serious enough problem having an ordinance prohibiting it, I don't think we should have an exemption that is so broad to allow any organization that gets a permit the right to do what we are prohibiting in the first part of the ordinance." The ordinance effectively forbids only the indigent, not charities or non-profit organizations, from engaging in actions that may endanger public safety according to the City Council. Thus, the public safety argument serves only as a pretext for sweeping the less fortunate out of the public site.

Restrictions on speech in a public forum must be narrowly tailored and not stifle "substantially more speech than is necessary to further the government's legitimate interest."^[2] In *Smith v. City of Fort Lauderdale*,^[3] the Circuit court upheld a ban on panhandling on a five mile strip of beach and two sidewalks. Fort Lauderdale's economy is based on tourism and the restrictions applied only to its number one tourist attraction. The regulations furthered the government's interest in eliminating nuisance in the city's economic base and without encroaching on speech in other areas of the city.

The proposed changes to *Section 32-458* reach far beyond Fort Lauderdale's limited regulations. The restrictions would apply to the entire city and would not effectively advance a governmental interest in safety. Because the proposed changes do not further a legitimate interest in safety, the restrictions cannot be found to be narrowly tailored to advance that interest.

Furthermore, the proposed ordinance changes substantially limit the alternative avenues of communication. Though panhandlers may still solicit funds on sidewalks, in Oklahoma City, this "alternative" leaves little room for panhandling. In cities where people walk to work and back home, sidewalks may be an alternative to panhandling in medians, but in Oklahoma City where the vast majority of Oklahomans travel by automobile, medians effectively function as sidewalks for panhandlers. To have any avenue of communication with drivers, panhandlers must use medians. While some roads may have sidewalks, the sidewalks are only on the passenger's side of the automobile. Soliciting money from the sidewalks is less safe than using medians for both drivers and panhandlers because panhandlers would have to run into the street to the opposite side of the automobile or wait as drivers reach across their car. Oklahoma City moves by automobile, and if the changes to the ordinance are made, panhandlers would be cut off not only from "ample alternatives" to exercise their first amendment rights, but from any alternative.

We strongly urge you to reconsider taking a vote on this measure and table it until further discussions on the constitutionality of the ordinance can occur. I would be more than eager to sit to meet with you and the council to directly discuss our concerns and how to alleviate those concerns. Please do not hesitate to contact me at (405) 525-3831 or tc Cox@acluok.org. I look forward to hearing from you soon.

Best,
Tanya Cox,

Tanya Cox
Program Director/Legislative Counsel
ACLU of OK
(405) 525-3831 office
(405) 524-2296 fax
www.acluok.org

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^[1] *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 45, 103 S. Ct. 948, 74 L. Ed. 2d 794 (1983).

^[2] *One World Family Now v. City of Miami Beach*, 175 F.3d 1282, 1287 (11th Cir.1999).

^[3] 177 F.3d 954.

Kathy Smith

From: Mark Stonecipher
Sent: Wednesday, August 26, 2015 3:18 PM
To: Kathy Smith
Subject: FW: PANHANDLING/SOLICITING ISSUES - CITY OF EVANSTON & SACRAMENTO COUNTY ORDINANCES
Attachments: 6-30-15 Email re panhandling.pdf
Importance: High

Can you create a file for this. Also can you call Rick and see how this is coming. Thanks.

From: kenneth.jordan@okc.gov [mailto:kenneth.jordan@okc.gov]
Sent: Tuesday, August 18, 2015 4:19 PM
To: Kathy Smith
Cc: Mark Stonecipher; Rick.Smith@okc.gov; jennifer.warren@okc.gov; tina.hughes@okc.gov
Subject: PANHANDLING/SOLICITING ISSUES - CITY OF EVANSTON & SACRAMENTO COUNTY ORDINANCES
Importance: High

Kathy,

Councilman Stonecipher provided me with the information he had today about the City of Evanston, Illinois, and the County of Sacramento, California, "panhandling/soliciting" regulations. He also mentioned that he had certain info about litigation that possibly involved the Sacramento County regulations (or some similar) and that he'd forward any such information. Please let us know about any information on the litigation.

Please be advised that Rick Smith and Jennifer Warren are working on this, with Tina's assistance as needed. We plan to draft a list of any differences between the Evanston and Sacramento regulations and the current OKC panhandling/soliciting regulations, and then provide the Councilman with advice about whether we think any of these additional regulations would likely be found constitutional or unconstitutional.

The downside of adopting additional panhandling/soliciting regulations that could be unconstitutional would be a federal-court lawsuit by the ACLU (or some other civil rights attorneys) on behalf of panhandlers for violation of their First Amendment rights, since the right to beg or seek alms in a public place is First Amendment activity. If such a lawsuit were filed and was decided against the City, the City and its ad valorem taxpayers would be forced to pay the ACLU's attorney fees. (Note the ACLU was directly involved in the last round of proposed "panhandling" regulation changes, which Councilwoman Salyer brought before Council in 2010. The 2010 proposals failed on final vote for adoption.)

Please note, too, that the City has lost a couple of First Amendment cases in the recent past (not involving panhandling). These are the following:

- A First Amendment case involving the confiscation by OCPD of all copies of the (allegedly "obscene") international-award-winning movie THE TIN DRUM, wherever it might be found within the City limits. (The MC's Office was not consulted in advance on that one; OCPD confiscated copies of THE TIN DRUM based on unsound advice given to the department by the Oklahoma County DA). The City paid the ACLU's attorney fees.

- Another First Amendment case where the City attempted to restrict Gay Pride banners on street light poles; the City and its ad valorem taxpayers lost that case, too, and had to pay the plaintiff's attorney fees.

For regulation of protected speech to be constitutional under the First Amendment, the government cannot directly regulate or discriminate against the content of the speech. (This is subject to very limited exceptions—so limited in fact that they seldom occur in practice.) And any “time, place, or manner” regulation of protected free speech must be “reasonable,” and any such regulations must also be supported by a significant governmental interest.

We'll get back with you once we have completely analyzed the two ordinances from Evanston and Sacramento and the legal issues. In the meantime, I've attached a prior email from this past June 30 regarding panhandling regulations; and attached to this prior email is Tulsa's current panhandling ordinance, and also the *Speeth* case involving a Michigan regulation of panhandling found to be unconstitutional.

KJ

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Kathy Smith

From: kenneth.jordan@okc.gov
Sent: Monday, August 17, 2015 4:16 PM
To: Kathy Smith; Mark Stonecipher
Subject: FW: Aggressive Panhandling Scan
Attachments: Aggressive Panhandling Scan.pdf

Importance: High

Here are our current panhandling/solicitation ordinances. "Aggressive panhandling" is in Chapter 30; panhandling around streets and roadways is in Chapter 32. I've also included the Chapter 32 definitions (Sec. 32-1).

CONFIDENTIAL:

Meg Salyer is working on changes to Code Section 32-458 to ban panhandling/soliciting on all medians, which would include making the rules apply across the board to all solicitors (including firefighters, who now have a special exception allowing them to walk in the street, even in lanes of traffic, based on getting a permit and posting a bond. Meg's effort is still in the initial stages, because she and Jim Couch want to visit with the IAFF and the MDA first. She doesn't want to bring it forward until after those visits take place. Jim believes the MDA/IAFF solicitations could just as easily take place on private parking lots, instead of on medians and in traffic lanes, such as at Target, Wal-Mart, etc.

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From: Johnson, Laura A
To: Couch, James D
Subject: FW: City Council Call
Date: Monday, November 23, 2015 2:46:07 PM

Jim, do you still want me to try Walgreens or should we wait a little while to see where this ordinance goes?

From: Martin, Debi A
Sent: Monday, November 23, 2015 2:44 PM
To: 'Rebecca Powell'
Cc: 'Meg Salyer'; Johnson, Laura A
Subject: RE: City Council Call

Becky -

Thank you for your email. I truly appreciate your time and effort on our behalf. We are so pleased to learn that firefighters collecting for MDA would be allowed in front of the Wal Mart centers and Neighborhood markets in May. We will certainly communicate with you as the time approaches for this campaign.

Thank you again for communicating this request through the Regional Manager, Mr. Walker. Please extend our appreciation to Mr. Walker.

Happy Thanksgiving
Debi Martin

From: Rebecca Powell [<mailto:Rebecca.Powell@walmart.com>]
Sent: Monday, November 23, 2015 2:32 PM
To: Martin, Debi A
Subject: FW: City Council Call

Debi,

Looks like we have approval for the firefighters. If you could just send me an e-mail when the time gets closer so I can send out to the stores. They would be able to be at any store or all including the Neighborhood Market stores.

Thanks

Rebecca Powell
Regional Assistant Region 44
Rodney Walker, RGM
Joedi Graham, RHRM
Phone 405-858-2100
E-Mail rebecca.powell@wal-mart.com

From: Rodney Walker
Sent: Friday, November 20, 2015 4:18 PM
To: Rebecca Powell
Subject: Re: City Council Call

Walmart

Business Name	Managers Name	street #	Street name	Zip Code	Phone
Golden Chick		2111	NW 23rd St.	73106	606-7899
Taco Bueno		2001	NW 23rd St.	73106	682-6048
Panda Express		2201	NW 23rd St.	73107	521-1966
Pizza House		2520	N. Penn Ave.	73107	524-3439
China House		2515	N. Penn Ave.	73107	528-0079
Raising Canes		2086	NW 23rd St.	73107	521-0131
Seven-Eleven		2323	N. Penn Ave.	73107	521-0285
McDonalds		2101	NW 23rd. St.	73107	524-4100
Mazzio's		2511	N. Penn Ave.	73107	799-9999
Citi Trends		2117	NW 23rd St.	73107	525-4063
Sonic		2400	N. Penn	73107	524-5375
Taco Bueno		2001	NW 23rd	73106	682-6046
Dollar Tree		2501	N. Penn Ave.	73107	521-8828
Buy for Less		2500	N. Penn Ave.	73107	525-5120
Wal Mart Neighborhood Market		2217	NW 23rd St.	73107	521-1431
Ace Hardware		2119	NW 23rd St.	73107	528-2824
Rococo Restaurant		2824	N. Penn Ave.	73107	528-2824
Subway		2814	N. Penn Ave.	73107	943-1600
Studio Nails		2133	NW 23rd St.	73107	524-4596
Nobina Supermarket		2600	N. Penn	73107	525-2712
Golds Gym		2117	NW 23rd St.	73107	601-8998
Verizon Wireless		2340	NW 23rd St.	73107	602-1781
Kinko's Fed Ex					

From: Berry, Major T
To: Couch, James D
Subject: FW: NW 23rd and Penn Business List
Date: Friday, July 31, 2015 7:54:12 AM
Attachments: 23rd and Penn Business Listing.xlsx

FYI

M.T. Berry
Assistant City Manager
City of Oklahoma City
Oklahoma City, Oklahoma 73101
Office: 405-297-2345
Fax: 405-297-2570

From: Martin, Debi A
Sent: Friday, July 31, 2015 5:34 AM
To: Balderrama, Juan A; Jennings, Brian D
Cc: Citty, William J; Jester, Tom T; Berry, Major T; Jordan, Kenneth; Smith, Richard C.; Richard, Cindy L; Hasbrook, Edward D
Subject: FW: NW 23rd and Penn Business List

To all:

Councilwoman Salyer has asked that I convene a meeting at City Hall on Thursday or Friday of next week and invite the businesses impacted by the panhandling issue to this meeting. Georgie provided me with a list of these businesses. I will finalize the details for the meeting this morning with Councilwoman today and get the notices in the mail.

Police certainly needs to be represented at this meeting as does the Municipal Counselor's office.

I asked Georgie to identify the purpose and outcomes to be achieved from this meeting -- her notes are reflected below.

This email is to make you aware of this meeting, the issues as noted below, and receive your comments and thoughts.

Thank you
Debi Martin

From: Georgie Rasco [mailto:Georgie@nacok.org]
Sent: Wednesday, July 29, 2015
To: Martin, Debi A; Meg Salyer
Subject: NW 23rd and Penn Business List

Debi,
Attached is the list of businesses, addresses and phones.

I would like for this meeting to be a way for the City and Police to tell business owners how to best protect their properties/businesses from panhandlers and/ or homeless.