

Despite no charges having been filed, the couple are being told they must wait until January to get their kids back.

Judge Robert Yonts, perhaps under pressure from nervous CPS officials, issued a gag order on the couple and the attorneys, banning them from talking about the case. (The Johnsons had been appearing on a local radio show.) When in court, the couple are not allowed to speak, but must do so only through a court-appointed attorney, who, they claim, misrepresents them. They are not allowed to bring friends and supporters into the courtroom. They are not allowed to record the proceedings or say specifically what went on. Since the gag order went into effect, the Johnsons have granted no more interviews with the press.

ARRESTED FOR A DOG ON THE BEACH

When Jhon Golder took his dog onto the beach, he didn't think he was doing anything wrong. "There were two other people with dogs on the beach too," he said. Yet when Officer Eric Seilly ordered him off the beach, only Golder was cited.

"They ran my license and a warrant for my arrest came back that I knew shouldn't have been there," said Golder between one of the hearings for his jury trial. "They charged me with resisting arrest and with assault on a police officer, both misdemeanors, so I qualified for both a public defender and a jury trial."

The jury found Golder innocent on the assault charge but guilty on the resisting arrest charge. The jury also was told that the original arrest warrant had been reported in error just as Golder claimed. Golder was sentenced to 60 days in county jail, with 54 days suspended, 120 community service hours, \$120 restitution and two years probation. The original charge for having a "dog on the beach after 10 a.m." was never prosecuted.

CITY SELLS OUT SENIORS

Homelessness in Santa Cruz is a direct result of the lack of affordable housing in the city. The DeAnza Senior Mobile Home Park on the cliffs overlooking Natural Bridges State Beach was one of the few places that provide at least 198 senior households with affordable housing and rent control.

But MHC, the owner of the park, recently sued the City of Santa Cruz for denying them a reasonable return from their asset. They bought the park in 1994 for \$8.4 million, knowing full well that all residents were protected by a rent control ordinance. Yet MHC claimed the park was really worth as much as \$80 million.

The City spent about \$500,000 in legal bills fighting the suits, but in August suddenly settled; and on August 23, they voted 6-1 to gut the rent control ordinance. This also affected another 67 units

in Clear View Court, where tenants also had their rents protected by rent control. The one concession they had wrangled from MHC were 34-year leases for the current DeAnza residents only. The automatic effect was the loss of equity in their homes for most of the seniors.

Critics argued that the City could win the suit if they continued. But Mayor Emily Reilly claimed she couldn't "bankrupt" the City by defending the seniors' assets. Councilmember Mike Rotkin warned that Santa Cruz could lose up to \$16 million if it were to lose the suit.

"That is highly unlikely," argued Attorney Michael Constantine, who wrote the San Mateo mobile home rent control ordinance. "At best they could get the differences in the back rent — a sum of about \$1.5 million, if they could win at all." The City cited budget woes as the sole reason for the settlement. Two months later, on November 25, 2003, the City Council voted to spend \$300,000 on golf course improvements.

MOVE-ALONG LAW PUT ON TRIAL

Steve Argue and Matt Hartough both refused to move a political table after one hour's time from a location in front of the Pacific Trading Company that both men were boycotting. The Santa Cruz City Council passed a law in January 2003 forcing political tablers to move along every hour, along with other anti-homeless laws, simply to please merchants and against the recommendations of its own advisory committee.

Pacific Trading Company owners Carolyn and Clark Heinrich not only supported these laws, but played an active role in lobbying the City to spend \$7000-plus to move a planter railing and eliminate more than 20 seating spaces to discourage street musicians, youth, and homeless people.

Under complaint from the Pacific Trading Company, Argue and Hartough were arrested and jailed for failing to comply with the new law. Argue's case goes to pre-trial hearing on December 12 at 8:30 a.m. in Dept. 2. The cash-strapped City — supposedly unable to find money to support its rent control law at De Anza — is finding the money to continue the prosecution.

BLUE LAGOON WINS POLICE HARASSMENT TRIAL

In federal court, the owners of the gay-friendly "Blue Lagoon" won a lawsuit against the Santa Cruz Police Department for harassment when uniformed officers came into the bar with a German shepherd to sniff the customers and hang out for hours at a time. The jury also heard testimony of police cars shining headlights into the bar for hours, and of a police officer in full uniform standing at the front entrance with a police dog. Why did then-

Lt. Patricia Sapone of the SCPD do it?

"She did it to further her career," said Reno civil rights attorney Terri Keyser-Cooper. "And she did it because she could." In addition to Keyser-Cooper, Dianne Vaillancourt and Kate Wells of Santa Cruz represented the owners of the Blue Lagoon. The city's attorney, Vince Hurley of Aptos, argued the police did nothing unusual.

Wells said, "The City has denied any wrongdoing, but the jury has already awarded \$116,000 in damages and court costs and legal fees. The combined legal costs for both the plaintiffs and the defense will run over a million dollars."

On November 25, the City Council met in closed session to consider whether to appeal the verdict. Patty Sapone was widely considered to be next in line for Chief of Police in Santa Cruz, a position only recently vacated by the retirement of Chief Steven Belcher. Homeless activists are hopeful this victory will rein in the police department. The Santa Cruz City Council — which abolished the Citizens Police Review Board last January — is prone to rubberstamp every police request for increased funding and authority.

DRIVING FOOD SERVERS AWAY FROM DOWNTOWN PACIFIC AVENUE

As the weather turns colder, HUFF activists have growing concerns about a joint effort by the Downtown Association, the City Manager's Office, neighborhood NIMBYS, Julee Hendee of the RDA and the Police Department to ban those serving free food to the hungry from the downtown area. Groups like The Potters Hand and Food Not Bombs that serve hungry people directly on the street report increased harassment.

Pastor Adams of The Potters Hand has