

Maybe They Can Sleep Next November

Santa Cruz mayor rejects Homeless Task Force emergency resolution to end sleeping ban

Activist of the Year Bernice Belton said: "I'd like to see an end to the Sleeping Ban. It's an emergency every winter for the homeless. And it's not just an emergency, it's a damned emergency."

by Robert Norse (with contributions from Becky Johnson)

Last March, then-Mayor Katherine Beiers and her newly elected Santa Cruz City Council majority created the Homeless Issues Task Force to meet for six months and "study the issues" of homeless services and human rights. Three months and 50 hours of meetings later, the Task Force to Examine the Camping Ordinance ended with Beiers's unilateral ruling that there would be no significant change to the City's Sleeping Ban from 11 p.m. to 8:30 a.m.

Even though she had four votes to establish safe and legal sleeping zones, Beiers left the Sleeping Ban intact, leaving Santa Cruz's homeless people 'sleep-criminals' each night, paying a \$54 fine for each act of criminal slumber.

"There's just no place for them [the homeless]," Mayor Beiers lamented.

For the skeptical and the sleep-deprived, her Homeless Issues Task Force (HITF) would "really study" the issues regarding homelessness and make a further report. Instead of acting to expand



Surviving on the streets in a makeshift shelter.

Art by Lenny Silverberg

shelter, redress police harassment of the homeless, or legalize those trying to shelter themselves outside, the Beiers-led City Council dumped the issue on an outside group "for further study."

Such task forces are not new in Santa Cruz. They were almost always a substi-

tute for meaningful action, a diversion of activist energy, and a burial ground for any real proposals. Past task forces and independent studies by groups like the Community Action Board and the Commission for the Prevention of Violence Against Women had already

documented the need for decriminalizing life-sustaining behaviors like sleeping and discredited the so-called "magnet" effect. The City's own mission statement included a bald acknowledgment that Santa Cruz lacked adequate shelter.

Task forces generate more talk, and talk is cheap. With homelessness on the rise with alarming rates of evictions, welfare time-limits and cut-offs throwing more families with children into the streets, and more beatings of homeless people reported, the times called for swift and specific action. (By December, activists estimated 30 to 50 thug beatings of homeless people in Santa Cruz in 1999.)

PROCEEDING AT A SNAIL'S PACE

Instead, the Santa Cruz City Council proceeded at a snail's pace, appointing its first members to HITF in August, and only brought the task force up to its full 13 members in November — nine months after having voted to create the task force to handle the "emergency."

Behind closed doors, Mayor Beiers appointed as staff member the former Mayor Don Lane, a failed merchant who had a history of coalitions with politicians favoring the Sleeping Ban. Lane's salary took up 80% of the \$10,000 appropriated for the Task Force.

Beginning with its first August meeting, the HITF defied skeptics and conservatives. They began to confront the City Council over anti-homeless policies, resurrect unresolved issues, and issue recommendations. Facing first indifference and

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then interference from Beiers, HITF passed resolution after resolution which the mayor declined to publicize or address.

HITF's very first resolution was a bombshell. It asked the City Council to abolish the entire Camping Ordinance as fatally flawed and unnecessary, given all the other laws which protect residents from criminal behavior, and morally questionable given the lack of shelter.

For the last decade, activists had pressed the council to end the Sleeping Ban sections of the Camping Ordinance. But now, on the motion of new Homeless Services Center director Ken Cole, HITF went much further. It voted to abolish the entire Camping Ordinance in recognition of the official Shelter Emergency.

HITF concluded that sheltering oneself in a tent as well as sleeping must be legal in a city where fewer than 20% of those outside have a legal place to sleep at night, even during the winter.

Predictably, Mayor Beiers rejected repeated HITF requests to bring Camping Ban repeal to the council for several months afterwards, claiming "there was no room on the agenda" and "it would take at least two hours for all the discussion and public input." Then, without explanation, after being publicly confronted on the issue at a HITF meeting, she changed her mind and scheduled the item for five minutes on the afternoon agenda of the next council meeting.

When HITF Chair Linda Lemaster and task force member Lucy Kemnitzer made a speedy presentation, Beiers interrupted the presenters to forbid council action, council comment, or public comment.

The Homeless Issues Task Force, composed of service providers, business people, neighborhood representatives and homeless activists, pressed on with twice-monthly meetings and even more frequent subcommittee meetings to cover as much ground as possible in the six months for which the task force had been funded.

In addition to repealing the Camping Ordinance, the HITF voted for rent stabilization to prevent further homelessness, for a living wage in city jobs, to recommend hiring homeless people, to correct city attorney inaction on reducing sleeping ban fines, and to stop a new anti-homeless towaway zone on Almar Avenue. HITF also tried to form a working group with the Citizens Police Review Board to confront and curb habitual police harassment of the poor.

On December 6, after three months of stonewalling by the City Council and Mayor Beiers, the HITF spoke directly to newly elected Mayor Keith Sugar, who attended his first HITF meeting. Last winter, as a City Councilmember, Sugar had authored several amendments to decriminalize sleeping, but after a sharp rebuke from Mayor Beiers retreated into a comatose silence and remained there. Now, as mayor, Sugar told the HITF that he wanted to see recommendations.

Heartened, the HITF voted unanimously to forward a strong "emergency" recommendation (again authored by Ken Cole) to "suspend the sleeping and camping bans until City Council sets up safe sleeping zones for the homeless community." Frustrated with its forgotten-stepchild status, the HITF agreed the measure must be treated as an emergency given the failure of the council to respond to an upsurge of anti-homeless beatings, five homeless deaths in three months, and a profound lack of shelter.

Lemaster was directed to take the measure to Sugar on December 7 and ask that it be placed on the City Council agenda on December 14, the last council meeting of the year. With growing resentment, HITF members noted that none of the group's resolutions had gotten any response from the council; even agendas and minutes of HITF meetings were missing from the City's web pages. HITF member Thomas Leavitt called for a motion itemizing past HITF resolutions and deploring the council's failure to respond.

MAYOR SUGAR BACKPEDALS

At the December 7th meeting with Lemaster, Mayor Sugar backpedaled. Saying he "didn't have the votes" and "didn't want to waste political capital," he told the HITF delegation to work on "a baby step" — something more concrete and less controversial, like a late-night bus to the armory shelter site. He gave HITF members the undoable task of digging up funding for the bus pick-ups in three days; then Sugar would put it on the agenda before the council's Christmas break.

In response, on December 8, activists publicized Sugar's refusal to put the "safe zones" emergency resolution on the agenda and organized a phone-call campaign. Deluged with calls, Sugar felt obliged to hold a special, invitation-only meeting to deflect criticism on December 12 with a few HITF members, two councilmembers, and his kitchen-cabinet supporters. Unpersuaded by eloquent and meaningful arguments, Sugar ended the meeting as he had started it, unwilling to publicly acknowledge the homeless emergency.

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"Maybe next November we can get more people elected to City Council who will vote to end the sleeping ban," was his conclusion. He said he would place no debates on the Sleeping Ban on the council agenda until the November 2000 elections.

Rejecting the expert recommendation of his own \$10,000 Homeless Issues Task Force, Sugar would not put the "safe zones resolution" on the December 14th City Council agenda. Even if they lost the final vote, argued the HITF, the debate would have educated the public, made a future victory more likely, and allowed Sugar to exercise visible leadership on the issue. Instead, as a damage-control concession, Sugar promised to make a few remarks after Public Comment. Even this promise was not kept.

It is telling that Sugar is probably the best person on the council when it comes to homeless civil rights. He has stated he is against the Sleeping Ban in a situation where there is inadequate shelter. And last December, along with Councilmember Chris Krohn, Sugar tried to pass a measure which would have suspended sleep tickets absent a health or safety problem. Conservative merchants and police groups regard him as an ultra-liberal.

LAST CITY COUNCIL MEETING OF THE CENTURY REFUSES TO DO JUSTICE

At the City Council meeting on December 14, HITF members dutifully presented their emergency resolution during Public Comment, asking that the measure be placed on the agenda that very evening for discussion and action as an emergency item (requiring special urgency findings and 5 of 7 council votes). If that didn't happen, HITF members asked Sugar to schedule a special council session later in December to consider the lone issue of homeless shelter and safety. They were met with silence.

As an ironic afterthought, the council did agree to not post "no parking" signs along a two-block stretch of Almar Avenue, where local NIMBYs, egged on by Santa Cruz police officer Jim Howes, had petitioned to bar vehicular parking at night to drive away homeless sleepers. Parking, the council said, was legal; sleeping, however, was not. The existing Sleeping Ban would "protect" the neighbors.

Civil rights advocate David Silva was alarmed with all the broken promises, lack of progress, and sheer lack of political courage. Of Sugar's "wait for the votes" strategy, Silva told him, "You're the best we've had on this issue, but don't you realize that's the same excuse we've heard from the last five mayors?" Silva, a Green Party stalwart, is already working to put the Sleeping Ban on the ballot.

On December 20, the Homeless Service Center, in a work in progress, listed 109 known homeless deaths in the last five years in Santa Cruz — and the count was still incomplete.

By mid-December, Sugar and his City Council supporters had beaten back the first HITF-initiated wave of pressure. The necessary long-delayed steps to address the homeless shelter and safety emergencies were frozen off the agenda. But HITF had gotten its message out to some in the community, even to entrenched hard-core council supporters.

In December, 1999, the Homeless Issues Task Force showed it was more concerned about educating the community than covering for City Council inaction. Would it move further to become a true runaway commission in January and use its position to shame and shake the council into real action through press conferences and direct protest?

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Santa Cruz Action Network (SCAN)
"Activist of the Year" Bernice Belton commented on the situation: "I'd like to see an end to the Sleeping Ban. It's an emergency every winter for the homeless. And it's not just an emergency, it's a damned emergency."

Readers can call (831-420-5020) or e-mail (citycouncil@ci.santa-cruz.ca.us) asking City Council to schedule a special session to address HITF's emergency resolution to suspend sleeping and camping laws until there are safe zones. For more information, contact: HUFF (Homeless United for Friendship & Freedom) 831-423-4833; 309 Cedar #14B, Santa Cruz 95060; wmnofstl@cruzio.com