

J. Gainsbrugh Open Forum BOJ 12/17/2019
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NEWS, ETC.
The Hangtown
Christmas
Parade brought
smiles and joy
to everyone.
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HOMELESS ADVOCATE:

City's proposed law would have sent baby Jesus packing

Pat Lahey
Staff writer

If Bethlehem had had an ordinance in place like the one that's set to soon rule in the city of Placerville, Joseph and Mary would have been told to move on and the baby Jesus would not have been born in the miraculous manger but inside a local jail, according to an advocate of the homeless who spoke Tuesday night at Town Hall.

John Gainsbrugh promised the City Council that any action taken that evening regarding a proposed ordinance regulating camping

on city property — an effort to deal with vexing situations caused by homeless people whose campfires are dangerous, whose garbage and litter present serious health problems — would be scrutinized the next morning by the ACLU.

Gainsbrugh told the panel he has informed the American Civil Liberties Union regarding Placerville's initial plans to outright outlaw camping on city-owned property, and the subsequent softening of the ordinance to allow some camping, in light of a federal court ruling that essentially

states unless a municipality or other governmental agency can provide alternative shelter, it may not arrest, cite or otherwise criminally pursue the offending party.

In other words, the city had intended to disallow camping on city property, period — then after learning of the case emanating out of Boise, Idaho, a case on which a federal appellate court recently ruled in favor of its homeless plaintiffs — the city revised its draft law to try to limit such camping to specific areas of city-owned space.

Gainsbrugh contends, however, that the Boise

decision dictates that the homeless (or anyone, for that matter) may roll out a sleeping bag and tent anywhere on city property if a shelter is not available. He said the ACLU was expecting him to call Wednesday morning to update attorneys there regarding what the City Council decided Tuesday.

What the council members, with all five present, unanimously decided was to designate three areas of city-owned open space as suitable for camping without fear of law enforcement intervention. Those three areas are off Main Street in the vicinity of

the Hangtown Skate Shop, a site off Highway 193 "just outside city limits" where a former landfill once existed and along upper Broadway between Highway 50 and Broadway, according to what was outlined Tuesday night.

Homeless people wishing to set up camp in any of those three locales would have to comply with the guidelines set by the new ordinance, which allows camping only within certain hours each day.

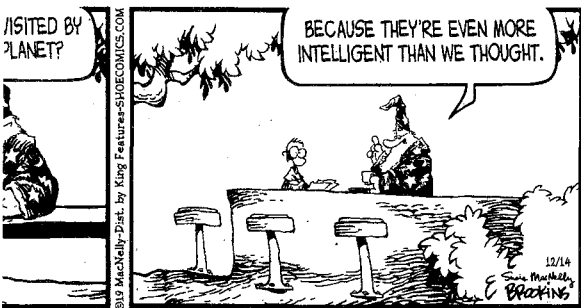
That window of opportunity was opened a little wider Tuesday evening, with the former language stating

■ See **HOMELESS**, page A8



Homeless *Continued from A1*

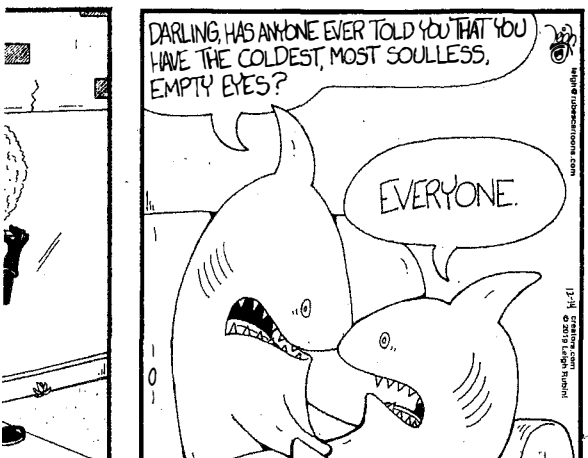
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camping would occur without fear of prosecution from 8 p.m. to 8 a.m.; after it was pointed out that 8 at night in the wintertime is a tough time to try to pitch a tent, a change was made.

“It’s not a very humane ordinance,” charged Maureen Dion-Perry during public comment. “The idea of getting to a camping spot at 8 — it’s dark, it’s cold ... find it, set up camp ... then remove yourself by 8 in the morning — unless it’s below 50 degrees — who’s monitoring the temperature?” The speaker said the vague rules need to be fine-tuned, that the proposed ordinance “needs more work.”

Dion-Perry’s points apparently hit home, with City Attorney John Driscoll later advising the council that changing the 8 to 8 timeline to “sunset to 8 a.m.” would be possible but would require the ordinance to come back one more time for approval prior to it becoming law. The council unanimously agreed to that change; the reworded ordinance will be presented at its next meeting in January.

Tuesday’s discussion also found the council members and audience members chastising most local churches for not opening up their doors to allow homeless to seek shelter there in the cold and darkness of winter.

Mayor Mark Acuna, who prefaced his remarks by saying he was raised as a Catholic, questioned why, out of some 35 local churches, only five participate in the “nomadic shelter” program, where homeless are welcomed to stay the night during the year’s most challenging months, going from one church to the next for five

Borelli said after hearing those accounts she doubts whether church members would be capable of dealing with the problems, adding, “I don’t know that I could — and I don’t know that those who are criticizing the churches could either.”

The council member said a human tendency, when presented with a problem that engages the emotions, is to become “too quick to condemn” by some. And often, she charged, those same critics are nowhere to be seen when it’s time to clean up the mess left behind in camps set up by the homeless population.

And there’s always a mess, said Borelli.

“Just because you’re homeless” doesn’t convey the right to leave litter and trash, garbage and feces, used hypodermic needles and other detritus that present dangers to the public, the councilwoman pointed out.

Councilwoman Kara Taylor reminded the Town Hall crowd that the revised camping ordinance “is not our answer to homelessness” but is intended to provide an effective tool to

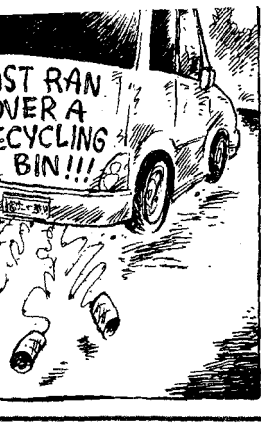
law enforcement so the community is made safe for all — including those who use city parks, bike and pedestrian trails and any other public areas — without fear.

Taylor reminded the crowd that the city is working with El Dorado County to deal with homelessness issues, with the city Police Department dedicating a full-time officer to the sheriff’s Homeless Outreach Team, or HOT.

The city also is “researching” the possible use of the abandoned Armory near the county fairgrounds as a

“The idea of getting to a camping spot at 8 — it’s dark, it’s cold ... find it, set up camp ... then remove yourself by 8 in the morning — unless it’s below 50 degrees — who’s monitoring the temperature?”

— Maureen Dion-Perry, Camino resident



because only five churches are part of the nomadic shelter chain, that leaves two days a week where no such overnight quarters are available, with the "off" days being Tuesdays and Wednesdays, the council was told.

Christmas Eve this year is on a Tuesday, Christmas of course falls on a Wednesday.

Again, homeless advocate Gainsbrugh pointed out, had Joseph and Mary sought a roof over their heads in Placerville in 2019, the couple would have rejoiced their son's birth in the local jail after being arrested for camping illegally.

To further emphasize his concerns Gainsbrugh added that a year ago during winter a young woman who he said appeared to be homeless "stumbled" into a Placerville pizza parlor seeking shelter one evening. Conversation was struck, he learned she felt she had no options but to spend another night in the freezing cold and he grieved over her final words. Mentioning that surely the night could be spent in jail, in the emergency room at Marshall Hospital — somewhere, anywhere — he said the woman shook her head no.

"I told her, 'If you spend the night outside you will die.' She said, 'I hope I do die out there tonight' and she walked out the door." Gainsbrugh said he never saw her again nor learned of her fate.

While that sort of account seemed to stir the crowd, with one man offering to accompany anyone who would join him in kicking down the doors at St. Patrick Church to allow in the homeless, others said the criticism isn't entirely fair and is more of a knee-jerk response to the emotional issues attached to the homelessness problem.

Councilwoman Patty Borelli told the crowd that many more churches once were a part of the nomadic shelter system, but that she heard from several parishioners that the undertaking had become overwhelming.

"In talking with these folks, (the churches willing to open their doors) need parishioners to (volunteer) to babysit, I'll use that word. Some of the homeless need medical aid, there are other problems, and the average citizen is not equipped to do that," said Borelli. "They (people with whom she talked) said they just got totally burned out."

trend," said Ortega, who noted that his department never has wanted to "criminalize the homeless." He said numbers and other data are being updated regarding the issue and should be available for the council's perusal next month.

But what the chief said he wanted the public to focus on is that while the treatment of homeless people may at times appear to be "inhumane," there is a flip side to that coin.

"There are registered sex offenders (among the homeless population) and I don't think people realize that," he said. "It's not humane to let them victimize others, other homeless."

He said he also thinks most residents aren't aware of how widespread the problems have become, with "hidden camps" dotting wooded areas just beyond neighborhoods, hypodermic needles being stumbled upon right behind El Dorado High School.

Ortega added that helping the homeless transition back into society requires one crucial factor that often is absent: "They have to want to change," he said, referring to those addicted to drugs and alcohol, those who don't wish to become other than modern-day nomads.

"Arrest is actually going to be our last resort," he summarized. "Our goal is to help these people ... and make our city safe for everyone."

With local churches facing complex problems when welcoming the homeless to stay for the night, the reason more aren't part of the nomadic shelter system became more understandable Tuesday. In addition to what was discussed at Town Hall, church leadership also likely has to worry about legal problems arising from allowing the homeless to shelter overnight, such as someone failing to get needed medical attention, someone injured in a fall, someone assaulted.

Such fears apparently are keeping most local church doors locked tight this holiday season — if Joseph and Mary's fate had unfolded in 2019 in a tiny town on the opposite side of the globe from Bethlehem, would they find themselves forced to check maps and head on down the road come Dec. 24? Maybe choosing to turn northward to ... Paradise?

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RATING: ★★★★★★

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