

HOMELESS IN PARADISE
Week of May 31-June 6, 2019

PENINSULA PULCHRITUDE - Part 22



WILL NIMBY vs. YIMBY BE WON BY LAWSUIT, LEGISLATION OR LOVE?
(A Peek into Attorney Mike Pekin's case)

By Wanda Sue Parrott

GAMBLING on games is the great American pastime, and there's no dearth of activity going on locally where the Monterey Homeless League's teams are lining up for some noteworthy playoffs, starting in Seaside.

If you wagered, for instance, on the outcome of the pending case of Olympia Shelter for homeless women and children on county grounds within the city of Seaside, in which of three ways did you bet?

YES: Homeless Emergency Action Plan (HEAP) funding will be awarded in June for establishment of the shelter at 1292 Olympia Ave., Seaside. Premises, to be refurbished, are an old mobile clinic near the Monterey County Dept. of Social Services that will be remodeled to allow from 35 to 50 beds for homeless women and children who'll receive overnight shelter between approximately 7 p.m. and 7 a.m. daily.

NO: HEAP funding will be denied, thus ending the possibility Seaside will partner with Monterey County in further expansion of the plan for the Gathering for Women to co-partner with Community Human Services to operate the non-profit shelter.

MAYBE: HEAP funding isn't the only factor in consideration of whether or not the Olympia Shelter idea is viable. Possible legal action could halt the proceedings even if the funding is approved by HEAP.

Spectators On The Sidelines

How you feel probably depends on which kind of spectator you are.

Those on the sidelines are like fans of opposing teams in actual sporting events. I call them hypothetical NIMBY and YIMBY supporters. Some are vociferous; others simply wave flags when called on to express opinions; they're fans of the "Not In My Backyard" approach to locating a homeless shelter in or near their

neighborhood. NIMBY doesn't mean all people are opposed to helping the homeless; many just don't think their neighborhood is the right place to do it.

YIMBY means everyone else, aka the "Yes In My Backyard" folks. They know the homeless issue is critical, they support doing what is necessary to provide shelter to those most in need, and they accept having a shelter near or in their neighborhood, even if they privately hope it doesn't happen.

There's also a third category herein called LIMBY or LIOBY, meaning Law in My Backyard if an individual files a lawsuit to halt proceedings, or Law In Our Backyards, if a group joins together to file a class (collective) action in which an injunction to halt proceedings is sought.

Both NIMBYs and LIMBYs hold their own pep rallies, often as a public protests or as a group that supports a spokesperson or issue at city council meetings.

LIMBY and LIOBY spectators require at least one attorney to serve as the equivalent of their cheerleader.

The lawyer leaves the sideline and stands in the dock, as local attorney Mike Pekin did at a recent Seaside City council meeting.

Attorney Mike Pekin's Case

The basic message attorney Mike Pekin delivered to Seaside City Council is recapped in his May 27 email to me about "the big picture on the upcoming homeless shelters in Seaside and Salinas."

Mike basically said, "I am a local attorney preparing a Complaint for Injunction to Prevent Waste of Government Resources against the County. . . My take: the available County properties should be used to combat homelessness.

The problem: None of the governmental agencies have met the responsibilities laid out in the 2018 Monterey County Civil Grand Jury Audit to stem the leaderless, unaccountable and unplanned waste of public resources, over several years, showing no positive results. Doing the same thing over and over while promising lofty goals. Not my words - Grand Jury Audit's."

Mike Pekin cited the Grand Jury Audit "Who's in Charge" at <https://outlook.live.com/mail/deeplink>. He also cited the Fort Bragg Hospitality House City Planning Report on public nuisance created by that homeless shelter with 24 permitted beds at

<https://www.facebook.com/mendocinosportsplus/posts/1552229814857830:0>.

I responded that I'd read the Grand Jury Report last year, but questioned its timeliness now because of three factors summarized below:

Three Arguments That Challenge The Case

1. Precedent ruling upheld at federal level. On April 11, 2019, the Ninth Circuit Court of Appeals rejected an en banc petition by the city of Boise in Martin v. Boise (formerly Bell v. Boise), leaving in place its September 2018 ruling that homeless persons cannot be punished for sleeping outside on public property in the absence of adequate alternatives. Local Impact: A homeless person has the right to camp, lounge, or sleep on public property if no shelter is available elsewhere. That's simply bad for business!

A local case in point is the sidewalk in front of the liquor store next to the Dollar Tree parking lot on North Fremont Ave. in Monterey. One or two men, resembling baked potatoes with bicycles, can often be seen with paper bags containing liquor, or otherwise high on something, flopped against the signpost on the sidewalk by the parking lot entry.

2. New city council members were sworn in after the Grand Jury Report was released.

Seaside is actively pursuing solutions to homelessness through its Homeless Commission and other programs.

Monterey is expanding its Multi-Disciplinary Outreach Team (MDOT), and is extending the Matching Funds Challenge.

On Tuesday, Monterey Planning Commission approved by 4-1 a Use Permit to allow construction of a new 3-story Mixed Use Building at 2200-2210 N. Fremont Ave. Eight of its 40 units are slated to be low-income apartments. The project will include demolition of the liquor store at 2210 N. Fremont Ave. where the drunk and buzzed homeless men now flop on the public sidewalk.

3. Leadership has improved at all levels of government. Last week Governor Gavin Newsom declared war on homelessness in Sacramento.

Alternative To Law And Legislation?

A third approach to winning the harsh games of life is believing love heals, as proven by the remarkable formerly homeless Magdalene Sisters of Thistle Farm whose story will appear next week.

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Photo: Magdalene Sisters, all formerly homeless women, share the Thistle Farms Credo:

TOGETHER WE. . .

Light the way for a woman seeking sanctuary from the street.

Help another settle into her very first apartment.

Empower a survivor with a reliable job.

Offer hope to a mother asking for a second chance.

. . . DECLARE that LOVE HEALS.

Photo courtesy of Thistle Farms

This column appears in the Cedar Street Times, Pacific Grove, California's weekly hometown newspaper, online at www.cedarstreettimes.com.

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