



Gavin Newsom  
Mayor

Contract Compliance  
Dispute Resolution/Fair Housing  
Small and Micro Local Business Enterprise  
Lesbian Gay Bisexual Transgender & HIV Discrimination

**DRAFT**

Theresa Sparks  
Director

## Lesbian Gay Bisexual Transgender Advisory Committee Minutes of the April 20, 2010 Meeting

**Committee Members Present:** Commissioner Cecilia Chung, Jane Aceituno, Alex Baty, Bart Broome, Corrin Buchanan, Ruby Cymrot-Wu, Samer Danfoura, Mark Dunlop, Elizabeth Labeledz, Allison Laureano, Dominique Leslie, Amos Lim, Mark Murphy, Bianca Polovina, Fayaz Rajani, Martin Rawling-Fein, Ray Rudolph, Donna Sachet, Mark Snyder, Lindasusan Ulrich, Vaughn Villaverde and Amy Whelan.

**Committee Members Absent:** Joseph Peralta (excused), Poonam (excused).

**Staff Present:** Nadia Babella, Domenic Viterbo.

**Guests Present:** Arthur Evans, Beck, Gabriel Haaland, and Dave Balabos.

### 1. **Call to Order and Roll Call:**

Commissioner Chung called the meeting to order at 5:30 p.m. Ms. Babella called the roll.

### 2. **Public Comment For Items Not On The Agenda:**

No public comments were made.

### 3. **Approval of January 19, February 16, and March 16, 2010 Minutes (action item):**

Marty Rawlings-Fein moved to approve the January 19<sup>th</sup> minutes as edited. Mark Dunlop seconded. The motion passed unanimously. Approval of the February 16 and March 16 minutes was tabled for next month's meeting.

### 4. **Presentation on San Francisco's Sit/Lie Law and its Effect on the LGBT Community:**

Before the presentation began, Commissioner Chung explained that the LGBTAC is supposed to be open to hearing all sides of the discussion and that the LGBTAC is not going to vote on any action, but is hosting a discussion to allow both sides to share some of their thoughts to begin some constructive discussion rather than polarizing the community.

Speaker 1: Arthur Evans spoke in favor of the Sit/Lie law.



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Mr. Evans is 67 year olds and has been a gay activist since the Stonewall Era. Mr. Evans has been involved in gay activism in New York City, Seattle and San Francisco. He was arrested 9 times for actions of civil disobedience including 3 times on behalf of people with AIDS although he is HIV negative. Mr. Evans has also extensively written on gay culture, history and philosophy. For the past 35 years, he has lived on the corner of Haight and Ashbury. He lives there because he can't afford to live anywhere else.

As a senior citizen, he believes he must stand up for his rights and believes the neighborhood's under siege, specifically the area that runs from Haight and Ashbury to Market Street. He believes it is a serious mistake to describe the people living on the street in the Haight as homeless. There are a number of reasons why he objects to that classification. If you go up and down Haight Street, it will be hard to find anyone who is a San Francisco resident. Many of the people arrested do drugs on the sidewalk and then go home. Some of the people arrested are homeless. Mr. Evans has discovered that there's a "California reality" of migratory addicts and alcoholics in California who move up and down the west coast. These people are committed to a subculture of addiction and resist treatment options. The men are hostile and often violent. They've been colonizing Haight Street, taking it over and making it their turf to do the following things: drug dealing, harassing and assaulting neighbors and each other, urinating and defecating on the sidewalk, causing fires, dumping used needles on public streets and playgrounds.

San Francisco has a unique bind that no other city in California has. There is a legal impediment to enforcing the laws related to blocking the sidewalk. Mr. Evans personally tried to change these legal impediments in 1996 but the Police Commission refused. There are two general orders from the Police Commission, 5.031A and 6.112B, which specify that the police acting on their own cannot direct sidewalk squatters to move on. Police can only direct to move along if there was first a formal civilian complaint. No other city in California has this requirement. Many of the merchants along Haight Street are afraid to fill out the paperwork to file a formal complaint because their businesses are sitting ducks and cannot afford to spend hours and hours in court. Even if businesses did pursue a complaint and went through all the procedural stuff, more than likely the individual would end up back on the street. The Police Commission claims these two orders were a result of a settlement agreement and the Commission could not reverse them.

Mr. Evans admits there may be other options out there he does not know about, but maintains that the Sit/Lie law is one way to get around the impediments. The Sit/Lie Law says the police on their own can, if they see people lodging on the sidewalk, instruct them to move on. First offenders cannot be cited so it is not true that the Sit/Lie criminalizes sitting on the sidewalk. The law specifies there will be a warning only for first offenses. Sheriff Michael Hennessey testified to the Board of Supervisors that he runs the jails and does not expect any increase in the prison population in the City if this law is passed because the purpose of the law is to get people to move along.

Mr. Evans has witnessed many terrible incidents of abusive behavior, by the men especially, on Haight Street. Mr. Evans then gave one example about two frail looking gay men walking down Haight Street holding hands and passed by an encampment of street people on the sidewalk. Unknown to the couple, one of the street people got up and started stalking them. The man from the street was drunk. The man hastened in front of the couple and spat in the face of one them and said, "Faggot, I hope you die of AIDS!" The couple ran away.

Speaker 2: Gabriel Haaland spoke in opposition of the Sit/Lie law.

Mr. Haaland, formerly Robert, came out as a transman when he graduated from law school and was a former intern at the Human Rights Commission. It was not easy to get a job after he graduated due to his transition. Mr. Haaland was fortunate to have a friend from law school take him in or else he could've easily wound up on the street in the Haight. He couldn't pay rent and couldn't find a job for months. At the age of

18 after his parents threw him out of the house, Mr. Haaland explained that if it were not for a series of fortunate events he would have ended up as one of the kids on Haight Street. It is for this reason he developed a passion for protecting the rights of homeless people. He ended up volunteering several years at the Coalition for Homelessness.

Many of the queer homeless youth in San Francisco are not native. Many of the kids end up doing sex work to survive. It's also very challenging to find housing when a child first moves here and even more challenging to find a job because youth do not have many references, if any at all. Many kids that come to San Francisco are from broken homes even if they're not queer and usually from abusive situations. So the kids are generally angry and challenged. Mr. Haaland explained that he sees these angry and challenged kids when he is walking down Haight Street. He lives a block and a half from Haight Street. He walks up and down Haight Street all the time, sometimes very late at night. Occasionally, Mr. Haaland would get harassed but no more than any other neighborhood by any other group of people. Mr. Haaland explained that he's been called a faggot by a number of other groups of people. There are going to be people from every population or subgroup that are homophobic. That's just life. It's reality.

As a man who lived in the neighborhood for a long period of time, Mr. Haaland doesn't believe the Sit/Lie law is the answer. Sitting on the sidewalk is not a crime; obstructing the sidewalk is a crime; harassing is a crime; aggressive panhandling is a crime. There are laws that say people cannot do those things.

A quarter of the population in county jail is homeless. To say that people don't go to jail, that's just not true. If people break this law, they could be in jail for up to 30 days. If a person gets fined, doesn't pay it and gets a bench warrant, it makes it almost impossible to get housing with a bench warrant. So you basically you have a homeless person who's trying to get housing, but can't because of the warrant due to the Sit/Lie law. Mr. Haaland then passed out a number of handouts about several Police Commission orders. He explained that it is important to know what would be overturned with the passing of the Sit/Lie law especially if the LGBTAC believes in nondiscrimination. Essentially, what would be overturned is the non discrimination policy. Under the current police orders, police officers have the ability to arrest people obstructing the sidewalk. Obstruction means intentionally facing ones body in the normal path of a person's approach causing that person's freedom of movement to be obstructed. Mr. Haaland then read the Police Commission orders. Police officers can and do have the ability to stop people from obstructing sidewalks. Many people are arrested for obstruction during anti-war demonstrations. Mr. Haaland believes incarcerating or fining the homeless is not going to produce a different result or make things better.

There was a hearing about the dangers facing LGBT homeless youth in shelters. To say that these kids have a place to go when they feel endangered is false. As a person with a deep passion for human rights, Mr. Haaland believes more should be done for the youth like getting them into safe shelters, get them more services, and not overturn non discrimination policies. Mr. Haaland then passed out a fact sheet about the Sit/Lie law.

Speaker 3: Dave Balabos spoke on behalf of the Community Leadership Alliance in favor of the Sit/Lie law.

Mr. Balabos is the Executive Director of the Community Leadership Alliance (CLA): [www.communityleadershipalliance.net](http://www.communityleadershipalliance.net). CLA is a quality of life and neighborhood services organization formed in 1981 that serves low income/poor/impoverished people. CLA is having a press conference on the Sit/Lie law next week. CLA has been meeting regularly with the SFPD and the Mayor's Office on the Sit/Lie law. Mr. Balabos explained that they have studied the law diligently and have been talking to people. When people heard of the press conference, a lot of them wanted to attend and support the Sit/Lie law, while others wanted to oppose it. Mr. Balabos then read the CLA's mission statement, which states:

*The Community Leadership Alliance feels that sidewalks should be enjoyable and a place of social gathering. The ordinance would go a long way in making neighborhoods feel safer and may also reduce the overall homeless population in San Francisco by discouraging people to come to the city to beg for money. The Community Leadership Alliance is confident that the SFPD will exercise good judgment in the enforcement of this ordinance. The intended purpose of this ordinance is to improve quality of life and to ensure safe passage to enjoy San Francisco's beautiful neighborhoods. Therefore, the Community Leadership Alliance endorses its support to Mayor Gavin Newsom's proposed Sit/Lie ordinance and the legislation's language, prohibitions, exceptions, warnings, penalties and enforcements.*

Mr. Balabos closed by stating a lot of their membership are formerly homeless LGBT people who are voting to support the Sit/Lie ordinance.

Speaker 4: Beck spoke in opposition to the Sit/Lie law.

Beck is employed at the LGBT Community Center and is a 25 year old queer youth advocate. Beck currently runs the Youth Program at the Center. He serves about 300 queer youth every year. Most of the youth are couch surfing or sleeping at friends' houses or at different agencies like Larkin Street Youth Center. The population of queer homeless youth in San Francisco is about 1600 which means that 40% of homeless youth identify as LGBT. But with gender identity on the rise, this statistic is expected to increase as more people come out as transgender. Over 25% of participants are of color and up to 80% are transgender. Beck then discussed how the Sit/Lie law will affect the queer youth community by stating that the cultural epicenters for homeless youth are places that provide opportunities for youth to exchange resources by word of mouth. From Beck's experience at the Center, outreach at the Center doesn't work. Outreach must be conducted in the streets. Street outreach needs to be done since everyone does not have internet access. Haight and the Castro are two focal centers of outreach. But this is not enough. There is a lack of services to homeless youth. Beck runs the only drop-in program in the City for queer/homeless youth. The program only operates Monday and Tuesday afternoons. Youth are not out on the street because they want to be, but because they have to be. There is just no other place to go. There have been services in the past that served queer homeless youth, but those services are now gone. Current services and programs out there are not targeting queer homeless youth and considering the disproportionate make up of queer homeless youth, the needs of queer homeless youth are not being met. Beck hopes that as the LGBTAC, the Committee understands that homelessness amongst queer youth is a huge ordeal right now. There are a lack of safe spaces and resources. For example, Larkin Street has about 40 beds for youth. Most of the youth Beck works with are between the ages of 16 and 24. Youth are not getting resources and familial support in their early years. Beck brought a friend, J.R., who was a recipient of their services.

Speaker 5: J.R.

J.R. lives in San Francisco and is still looking for housing. He's been sleeping on people's couches for 4 years ever since he transitioned out of the group home service. Since he transitioned out of the service, he's been using Lark Inn services. J.R. explained that his living situation has been really hard because there are not that many programs for queer youth in the City. J.R. thinks that the Sit/Lie law is not the best thing to do because the police could easily arrest youth if they don't have a place to stay especially when they're homeless. J.R. then read a poem.

Each of the speakers then entertained questions from the Committee and members of the public.

DISCUSSION:

Dominique Leslie asked how many cities and municipalities actually do have Sit/Lie ordinances.

Mr. Haaland responded by saying that he doesn't know the exact number now and the one that was presented in his handout is different in that it has civil penalties and criminal penalties. The Constitution comes more into play when criminal penalties are involved. A similar law that existed in San Francisco was overturned on the basis of its unconstitutionality. The main reason the law was overturned in San Francisco was because of how the law was applied. In 1968 and 1969, there were a lot of hippies on the sidewalks and people didn't like it so they passed a Sit/Lie law. Five or six years later, the Sit/Lie law was being applied against gay men. A group of gay men were arrested outside of a gay bar. Some gay men were even beaten by the police and Harvey Milk, the Mayor and some others organized against police brutality because of how the Sit/Lie law was being applied. When advocates of the current Sit/Lie law argue that the Sit/Lie law would only be applied to the homeless, such an argument is also on its face unconstitutional because it is unconstitutional to target one group of people. Mr. Haaland explained that is a violation of the 14<sup>th</sup> Amendment. There is a trend in applying these types of laws to marginalized groups, whatever the marginalized group may be at the time. In the 1970s, that group consisted of gay men. The Sit/Lie law that existed in San Francisco was overturned in 1979. The current proposed Sit/Lie law involves criminal penalties for sitting on the sidewalk.

Mr. Balabos encouraged members of the LGBTAC to visit the website ([infra](#)) under services and see there is legislation in the books. If members read the letter of the legislations, they will see whether or not it can be used as an enforcement tool. Mr. Balabos pointed out that he sees the police at work everyday since the CLA office is located in the Tenderloin and the police are very compassionate. They have a homeless outreach team and he cannot imagine the police using the Sit/Lie law in the wrong way. If folks were cited for violating the Sit/Lie ordinance they would probably be directed to the Community Justice Center (CJC) on Polk Street and at least one of the CJC judges does their best to get people's lives back in order. The CLA thought really hard about the Sit/Lie ordinance. The CLA met several times with the SFPD command staff and the Mayor's office and asked tough questions and attended hearings on this ordinance. The decision to support this didn't come easy. All the Executive Board members voted to support this ordinance despite one of the members being a civil rights attorney.

Mr. Evans then responded to Ms. Leslie's question by stating that there should be caution in using one case as a precedent for another. Mr. Haaland explained that the previous law should not be compared to the one proposed today since the new law is based off of a Seattle law. The 9<sup>th</sup> Circuit Federal Court upheld this Seattle law. Mr. Evans explained it is important to look at the details. Mr. Evans then briefly mentioned Harvey Milk by saying laws can be misused against anyone and he opposes misuse of laws. Mr. Evans knew Harvey Milk and showed a button from his 1977 campaign. Mr. Evans received a note from Harvey Milk three weeks before he was assassinated. The note said we have to respect neighborhood integrity and we have to stand up to bullies. Mr. Evans explains Harvey Milk did not say role over and make excuses. It's a big mistake to say the problems in Haight are the youth. People from all age groups and economic backgrounds have addiction in common. Mr. Evans then made two points: 1. Nobody disagrees with part 1A of Police Order 5.03, which is the non discriminatory policy, but, the last few lines of the Police Order say that general complaints from residents, merchants or others cannot be taken into regard by the police in enforcing the law. Mr. Evans thinks this is a problem; 2. Under E3 of Police Order 6.11 there is a section that reads a street or sidewalk cannot be obstructed, only a person. The person obstructed must then describe the party who obstructed him or her in order for the police to take action; this means the police cannot act alone. No other City in California has this. Finally, Mr. Evans addressed the issues brought up about queer youth. He agrees that the issues facing the queer youth community are real and there was a hearing at City Hall about the problems faced by homeless queer youth. But Mr. Evans asks who is causing the problems for queer youth? Who is threatening them? Who is endangering them? Tourists? Politicians? The people who run the shelters? No. It's other people in the shelters that are causing these problems. Mr. Evans explained that these are the same people who are making life hard for queer youth in the shelters and making life hard in neighborhoods for everybody including queer youth and

queer elders. Thus, Mr. Haaland's argument about queer youth goes both ways. Mr. Evans believes that if we are going to protect queer youth in shelters from abuse from people in the streets we must also protect our neighborhoods from abuse caused by the same people.

Mr. Haaland then responded to Mr. Evan's answer by clarifying the excerpts of the Police Order. Mr. Haaland stated the portion of the Police Order referring to general complaints means that the public has a right to use public streets and public spaces. If a resident or merchant decides to complain about a group of people based on race, such a complaint is called racial profiling. In other words, if there is a group of people of color standing outside of someone's house and someone complains, it is wrong and illegal to say that they cannot occupy public space based on these factors. Mr. Haaland believes that people have a right to use public space and once that right is infringed a slippery slope is created of who gets to be in this public space. Mr. Haaland then addressed Mr. Evan's comment about street or sidewalk obstruction by explaining that if someone decided to go home and lay on the sidewalk, that person would not be obstructing the sidewalk. What if someone was injured and decided to lie on the sidewalk? Is that a crime? In other words, a sidewalk cannot be obstructed only a person can be obstructed. If another person was walking down the street or sidewalk, then it would be a violation because a person has been obstructed. It's a victimless crime to sit in the middle of the sidewalk unless someone's actually obstructing. Mr. Haaland explained that a person must actually obstruct someone in order for it to be considered obstruction. There must actually be a crime committed in order for it to be a crime.

Fayaz Rajani thanked all the speakers for coming and asked the proponents and Mr. Haaland, what are some of the alternative solutions to the Sit/Lie ordinance since there is already an ordinance on the books? What are the reasons for advancing this particular ordinance and what are some other ways to address the problems of the communities and deal with the LGBT issues that are being affected?

Mr. Evans responded first by saying that he supports services for all people who need them. Mr. Evans doesn't see a conflict in maintaining accountability and maintaining services. There should be an increase in services and help people with their recovery. Haight/Ashbury has some of the highest concentration of public services in the City. But, there is a problem with people who refuse services. There are people in the Haight who get arrested hundreds of times and refuse services. This costs millions of dollars per year. Mr. Evans explained that the problem with the law as it now stands is that there are a bunch of people camped out on the sidewalk, someone calls the police, the police arrive and inform the people camped out they are blocking the sidewalk. The people camped out respond by saying they are not blocking the sidewalk and that the police don't have a civilian complaint. As a result, the police leave and the number of people camped out grow. These people know their legal rights. Mr. Evans then gave an analogy to the police witnessing someone breaking into a store at night and the police intervening. But suppose there was a law saying that the police cannot intervene unless there is a formal complaint. So, if the police saw a whole bunch of people colonizing on the sidewalk at night and using it as a base of operation, the police could not do anything without a formal complaint. What will happen to the neighborhood when word gets out that people can congregate and the police can't do anything? Mr. Evans believes this is not a rational situation. But, Mr. Evans is still open to other solutions to this problem. Mr. Evans attempted to repeal the general Police Orders but did not succeed. There may be better solutions than the Sit/Lie law, but Mr. Evans has not been able to find one. There is a serious problem not just with kids but with abusive behavior from addicts and alcoholics. The City is not doing anything. Just getting people to acknowledge the existence of the problem has been a tremendous struggle. People are in denial.

Commissioner Chung then asked a follow up question to Mr. Rajani's question by inquiring about whether the punishment really fits the crime. People are homeless for a number of reasons but there was a comment made that the City does not provide enough or adequate services to address the problems of the homeless. There are waiting lists to get into substance abuse and alcohol abuse programs. Are the Haight residents open to the idea of creating a shelter or a homeless drop in center in their community?

Mr. Haaland stated that the punishment does not fit the crime. Having a law that says a person goes to jail for up to 30 days for sitting on the sidewalk does not fit the crime. Incarcerating youth is an ill model for dealing with problems with youth. Mr. Haaland does not feel comfortable with all the generalizations made about youth in the neighborhood. In every group of people, there is always going to be someone who is a problem. To make sweeping generalizations about Haight Street off of one person is not a fair statement. Mr. Haaland believes there needs to be one thoughtful discussion. At the end of the day, the real problem is that people keep ostracizing these groups of kids. The community needs to do more.

Lindasusan Ulrich expressed concern over how the system would be changed with the passing of the Sit/Lie law especially, the first-offense rule. With homeless people, that goes by very fast.

Martin Rawling-Fein commented that as a former homeless youth, he wanted to know where the homeless would go if the Sit/Lie law passed.

Mr. Evans responded by saying that the homeless would probably go to shelters at night time and during the day they would probably go to parks to lie down and sit since the Haight is park rich. It's not true to say that people wouldn't have a place to stay at night and the homeless would be deprived of a place to stay at all.

Samer Danfoura thinks this is more than a civil rights issue and access to public streets. Mr. Danfoura thinks the Sit/Lie law is more about the unfettered use of police power. Giving police unfettered and discretionary power will inevitably end up as discrimination. Mr. Danfoura is especially concerned about immigrants, particularly people on Cesar Chavez Street, sitting down and being picked up first thing in the morning. This law could affect the Sanctuary City Ordinance and the rights of immigrants.

Mr. Haaland agreed with Mr. Danfoura's comment and explained that the Sit/Lie could be used as a tool against day laborers and migrants.

Amos Lim commented that the City of San Francisco passed a "Care not Cash" program a few years ago to provide services to homeless people and asked whether the services still exist. Mr. Lim believes that there needs to be services available or else the homeless will have no place to go.

Mark Dunlop commented that the aggressive panhandling ordinance passed in 2004 wasn't just focused on the Haight at the time but also focused on Union Square, the Fillmore, Union Street and other places of the City. So the ordinance wasn't focused primarily on the Haight. Things only happen because of uprisings from people in communities. At the time the panhandling ordinance was passed, there didn't seem to be a problem with aggressive panhandling.

Mr. Haaland responded to Mark's comment by saying he heard through testimony of people describing aggressive panhandling. In a debate Mr. Haaland participated against a neighborhood activist, all the comments the neighborhood activist made involved aggressive panhandling. From Mr. Haaland's experience, more often than not people interacting with the homeless youth refer to aggressive panhandling as the main issue. But, aggressive panhandling is already illegal.

#### Public Comment 1: Denise

Denise used to be an activist in the LGBT community. She has marched in Pride Parades, Dyke Marches, Transgender Marches and worked very hard to equalize marriage.

Denise believes the target of the Sit/Lie Ordinance is people who are blocking the sidewalk whether they are sitting or lying down. It's not necessarily homeless people or rich people or drug dealers or sex workers, it's people that are sitting and laying on the sidewalk and blocking it and spare changing (Spare changing = panhandling)<sup>1</sup>. Many people take public transportation to San Francisco to sell and deal drugs, to do sex work and spare change. Denise is for legalization, not criminalization, of all drugs and sex work. However, in the meantime, there is a problem with the sidewalks being used as a marketplace. Sidewalks have become a place to do business in order to sell any kinds of drugs, sell sex, and spare changing. When ever people sleep on the sidewalks they tend to defecate and urinate. A lot of people also drop their needles. Denise is for bringing back laudanum and opium to the drug stores because people were not dropping dead of heroin over doses and there were not as many needles on the sidewalk. Again, the target of the Sit/Lie Ordinance is for people obstructing the sidewalks whether they are rich, homeless, citizens or immigrants. The Ordinance is not pointed at the LGBT population. Shelters can be dangerous for youth and adults of any orientation or gender. Physical violence is very common in shelters. The sidewalks have become a dangerous place for many citizens including some of the LGBT population. Denise used to live in the Tenderloin and used to get hit on all the time when she was wearing her shorts and going to the 24 Hour Fitness at night. Many people assumed she was a prostitute. Although it is true there is a lot of homophobia, there is also a lot of sexism on the sidewalks. Denise doesn't want to step over drunk people, watch out for needles or step in human feces. This has become a hazard. Tourists have complained due to the aggressive spare changing. Denise has friends who were homeless in Berkeley and learned that some of the people on the street make over 150 dollars per day. Many of them receive General Assistance or are on disability. Many of the so-called drug dealers are making a killing financially. San Francisco is losing tourism dollars because of this. It's true that people can call the police, get restraining orders or get citizen complaints, but Denise asks who wants to shut down their business for a day, lose hundreds of dollars and possibly get beat up in retaliation. Many people have been in fear of retaliation so they keep their mouths shut. The whole reason many Districts are proposing the Sit/Lie Ordinance is because many people are tired of the streets being dangerous. Denise is afraid to walk around with her purse. The whole reason for this Ordinance is because the streets have gotten out of control.

#### Public Comment 2: Carol

Carol is disabled and walks all over the city day and night including the Tenderloin and the Haight. She has never had any kind of problem at all. Carol is primarily concerned that Chief Gascon has been hired for the sole purpose to put the Sit/Lie Ordinance into law, which gives police enormous power. Carol believes this law will catapult California into a police state.

#### Public Comment 3: Carl

Carl began by giving a description of what he witnessed this morning. Carl got off the 19 Polk MUNI at 7<sup>th</sup> and Market Streets around 10 am and was walking past Trinity Plaza when he saw the cops dispersing 4 black men. One of the men had a cane, one of them had a backpack and the others had no backpacks, no shopping carts. There was no reason to believe these men were homeless. Two white police officers told the men they could not sit there anymore. Thus, Carl believes how people perceive the Sit/Lie Ordinance is going to be enforced by the police is not realistic.

#### Public Comment 4: Nick

Nick is from the Mayor's Office and wanted to clarify the issues with citations. Nick explained that the first offenders are given a verbal warning. Right now the police do not have any means to be able to do that unless somebody has filed a complaint. If someone refuses to move after given a verbal warning, the

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<sup>1</sup> <http://www.urbandictionary.com/define.php?term=spare+changing>

police will issue a 50 dollar ticket or community service. Second offenders will receive a 300 to 500 dollar penalty, or community service, or serve up to 10 days in jail. Nick also explained that the Sit/Lie ordinance does not target any group of people. It only targets conduct. The Sit/Lie Ordinance is a response to community members feeling threatened in their own neighborhoods. Nick then passed out a fact sheet.

Commissioner Chung thanked the panel and the public who came to speak about the issue. The Supervisors are still continuing their discussions with putting the Sit/Lie law on the ballot. Commissioner Chung encouraged bringing this issue up at the retreat so the LGBTAC can examine the discriminatory impact of the Sit/Lie law and advise the Commission. It is important to keep the discussion about the Sit/Lie law open.

Mark Snyder asked if there was any way for the LGBTAC members to vote in opposition or in support of the Sit/Lie law.

Commissioner Chung responded by saying that the LGBTAC couldn't do anything while the Board of Supervisors discuss the issue. The Sit/Lie law is not agendized for a vote but LGBTAC members will have the opportunity to discuss the Ordinance at the next meeting.

#### **5. Annual Retreat Planning (Discussion Item):**

Nadia Babella reported that the retreat is scheduled for this Sunday, April 25<sup>th</sup>, from 9:30 to 5:15pm. The retreat will take place at the Human Rights Commission. Ms. Babella sent out agendas to all LGBTAC members and requested each of the members come up with a topic so those topics can be discussed during the retreat. Ms. Babella then asked for a volunteer to arrange logistics for the lunch. Mark Dunlop volunteered.

Commissioner Chung asked if there was a different sign-in procedure at 25 Van Ness because it is a Sunday? Domenic Viterbo responded by saying that a list of names of all retreat attendees had been given to the security guards. When retreat attendees arrive, the security guard will use his/her key to activate the elevators to permit access to the 8<sup>th</sup> floor.

Commissioner Chung then commented that because of resources the number of issues will be restricted to three or four issues depending on how many issues are brought forward. Samer Danfoura suggested electing a lead person for each small breakout group.

Nadia Babella commented that in one of the handouts there is a copy of the '09 work plan so people can get an idea of how much was accomplished, how much was not accomplished and a general timeline from the last retreat.

Commissioner Chung encouraged retreat attendees to complete some homework before the retreat on Sunday.

#### **6. Discussion of Possible S.F. Pride Day Activities (Discussion Item):**

Domenic Viterbo asked if the LGBTAC wanted to march in the Parade or sponsor an informational booth. Vaughn Villaverde commented that the LGBTAC should take into consideration the diminished resources and the amount of projects the LGBTAC has coming up. Mr. Villaverde thinks that providing an informational booth is a little beyond the LGBTAC resources and encourages other members of the LGBTAC to consider the most beneficial use of time. Mark believes that participating in Pride Parade is an inexpensive way to get the Human Rights Commission name out there, to handout information and to be seen in the community. Samer Danfoura thinks that participating in the Pride Parade increases visibility,

but participation must be used strategically by tying the work plan themes into the Parade. Allison Laureano highly recommended participating in the parade because of the strong visibility.

Allison Laureano and Samer Danfoura are in charge of the managing the Parade contingency.

Mr. Danfoura volunteered to drive.

#### **7. Advisory Committee Mentor/Mentee Partnering Follow-up (Discussion Item):**

Nadia Babella suggested having the mentor and mentee introduce each other at the retreat. Those without a mentor or mentee are going to introduce themselves. Two minutes will be allotted per introduction.

#### **8. Work Group Reports:**

YOUTH:

Mark Murphy reported that the work group will be waiting until after the retreat to determine whether they will be continuing their work.

OUTREACH:

Samer Danfoura reported that the work group is working on creating an outreach work plan and dispersing work to other groups.

BISEXUAL INVISIBILITY:

Lindasusan Ulrich reported that they are waiting to get input from staff and hope to complete the entire draft soon.

ALTERNATIVE FAMILIES:

Bart Broome reported that the work group was not able to meet this month but are still working on the report.

#### **9. Commissioner Report:**

Commissioner Chung reported that Commissioner Longo passed away recently and his memorial service will be on May 5<sup>th</sup>. Commissioner Chung then reminded the LGBTAC that the Commission is meeting at 6pm in Chinatown at Dr. Sun Yat-sen Memorial Hall on Stockton and Clay Streets.

#### **10. Staff Report:**

Nadia Babella encouraged the LGBTAC members to visit [www.niot.org](http://www.niot.org), which stands for Not In Our Town (NOIT). NOIT is a national movement that encourages and connects people who are responding to hate and working to build more inclusive communities. NOIT share stories and strategies about how to foster safety, inclusion and acceptance. Ms. Babella also reported that the Human Rights Commission will be conducting transgender and housing trainings at Larkin Street. Ms. Babella also announced that LGBT Economic Empowerment Day event will take place this Saturday.

**11. Old/New Business:**

Skipped.

**12. Announcements:**

Announcement 1:

Corrin Buchanan announced a film screening about women who were incarcerated for hurting their abusers, which will take place on May 11<sup>th</sup>.

Announcement 2:

Amos Lim encouraged everyone to congratulate Nadia Babella on her promotion.

Announcement 3:

Allison Laureano announced that the Transgender Leadership Summit will take place the second week in May at UC Davis. Ms. Laureano encouraged everyone to visit [www.transgenderlawcenter.org](http://www.transgenderlawcenter.org) for more information and encouraged everyone to attend. The Summit is about creating leadership in the Transgender community and how to build a stronger community. There will also be a Legislative Visit Day in which people will have the opportunity to talk to Representatives about the Transgender community.

**13. Adjournment:**

The meeting was adjourned at 7:37 p.m.