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CITY OF SANTA CRUZ, MARTIN BERNAL, TONY ELLIOT, and ANDREW MILLS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

SANTA CRUZ HOMELESS UNION, on behalf of itself and those it represents; SANTA CRUZ FOOD NOT BOMBS; ALICIA AVALOS, HANNAH HEGEL, CHRIS INGERSOLL and RANDOLPH TOLLEY, on behalf of themselves and similarly situated homeless persons,

Plaintiffs,

vs.

CITY OF SANTA CRUZ; MARTIN BERNAL, individually and in his official capacity as City Manager for the City of Santa Cruz; TONY ELLIOT, individually and in his capacity as Director of Parks & Recreation for the City of Santa Cruz; ANDREW MILLS, individually and in his capacity as Chief of Police for the City of Santa Cruz,

Defendants.

Case No. 5:20-cv-09425-SVK

**DECLARATION OF CATHERINE BRONSON PROVIDING FURTHER INFORMATION TO THE COURT RELEVANT TO THE COURT'S INJUNCTION AT SAN LORENZO PARK**

Honorable Magistrate Judge Susan van Keulen

**Hearing Date: June 29, 2021**

**Hearing Time: 11:00 a.m.**

1 I, Catherine Bronson, declare:

2 1. I am an attorney at law duly licensed to practice before this court, and I am an attorney at  
3 the law firm of Atchison, Barisone & Condotti, counsel of record for defendants CITY OF SANTA  
4 CRUZ, MARTIN BERNAL, TONY ELLIOT, and ANDREW MILLS, in the above-entitled action. If  
5 called to testify about the matters discussed in this declaration, I could and would do so.

6 2. I have been in contact with County Counsel, Jason Heath, and the County has been  
7 hesitant to voluntarily submit declarations in this litigation as to the issue of vaccine distribution to  
8 Persons Experiencing Homelessness (“PEH”). With that said, County Counsel has been cooperative in  
9 providing me with answers to my questions via email as to the issue of the County’s PEH vaccination  
10 efforts.

11 3. On June 18, 2021, I emailed County Counsel and asked a number of questions. On June  
12 22, 2021, answers were provided from County employee, Joey Crottogini, as set out below:

- 13 • Q: “Does the County have an estimate as to how many, or what percent, of SLP campers have  
14 been vaccinated?” A: “No. If the City provided a list of names and dates of birth of all the San  
15 Lorenzo Park campers, we could possibly cross check this in a database and provide an  
16 estimate.”
- 17 • Q: “Does HPHP still have capacity to administer 150 doses on every Thursday morning?” A:  
18 “Yes. *We accept walk-in patients interested in getting vaccinated Monday-Thursday, 8am-  
19 5pm, and Friday, 8am-3pm.*”
- 20 • Q: “Does the street medicine team have any concrete future plans to vaccinate at SLP/the  
21 Benchlands? If so, when?” A: “The street medicine team offers campers at the Benchlands  
22 vaccine opportunities every week.”
- 23 • Q: “Can you tell me how many times the Street Medicine Teams have gone out and vaccinated at  
24 SLP?” A: “The HPHP Street Medicine Team has brought vaccine out to SLP almost weekly  
25 since February.”
- 26 • Q: “How many vaccines were administered at SLP during the times when the street medicine  
27 teams visited?” A: “Not many. Most people decline vaccines, but are given the opportunity.  
28

1 Typically there are 0-5 people vaccinated when the team goes out to SLP, the most in one single  
2 day being 15.”

- 3 • Q: “Can you confirm that HPHP still has no wait for PEH who want to be vaccinated? (i.e., PEH  
4 can walk-in for a vaccine, or make an appointment and be scheduled for the next clinic.)” A:  
5 “Yes. We accept walk-in patients interested in getting vaccinated Monday-Thursday, 8am-5pm,  
6 and Friday, 8am-3pm.”
- 7 • Q: “Does the County have an estimate for what percentage of PEH in the City have been  
8 vaccinated?” A: “No. HPHP has vaccinated over 2,000 people, but not all of them are homeless.  
9 Not all PEH receive their health care services at HPHP and there are many options for where to  
10 receive vaccinations aside from HPHP.”
- 11 • Q: “Does the County know what percentage of (or how many) SLP campers have been  
12 personally contacted and offered a vaccine?” A: “We estimate that approximately 80% of SLP  
13 campers have been offered a vaccine, but most have declined.”
- 14 • Q: “Is it true that at “San Lorenzo Park, a very small number of persons have actually received  
15 vaccinations of any kind?”” A: “Yes, many people have not received a COVIC-19 vaccine at  
16 SLP because they have declined. We do not know the veracity of the claim that “only a small  
17 have received vaccinations of any kind.” Their declination is their choice. HPHP continues to  
18 offer residents information about COVID-19 vaccines as well as opportunities to be vaccinated.”
- 19 • Q: “Is it true that the County’s mobile inoculation unit missed many weeks in a row of SLP  
20 vaccinations?” A: “There were a few weeks (not in a row) where vaccines were not brought out  
21 to SLP.”
- 22 • Q: “Is it true that the County is “making further cutbacks to its vaccination program”? If yes,  
23 some context/rationale might be helpful for the court to understand the issue.” A: “Due to  
24 decreased demand, HPHP decided to limit its larger vaccine clinic time at its clinic site and  
25 instead allow expanded access to vaccinations during all hours of operation, increase mobile  
26 pop-up clinics, and conduct vaccinations during home visits and shelter sites upon request and  
27 through targeted outreach. For example, a staff will work with a shelter in attempt to identify  
28 anybody interested in getting vaccinated, or somebody who missed a second dose, and arrange a

1 time to visit that individual to ensure they are receive their vaccine. Access to vaccines have  
2 become more widespread rather than cutback in recent weeks.”

3 4. Additionally, I wanted to take this opportunity to present the Court with information from  
4 the County’s publicly accessible COVID-19 dashboard, which is available at  
5 [https://www.santacruzhealth.org/HSAHome/HSADivisions/PublicHealth/CommunicableDiseaseControl](https://www.santacruzhealth.org/HSAHome/HSADivisions/PublicHealth/CommunicableDiseaseControl/CoronavirusHome.aspx)  
6 [/CoronavirusHome.aspx](https://www.santacruzhealth.org/HSAHome/HSADivisions/PublicHealth/CommunicableDiseaseControl/CoronavirusHome.aspx) .

7 5. As of June 21, 2020, the County reported just **53 active known cases of COVID-19 in**  
8 **the entire County**, with approximately 24.63% of those cases occurring in the City of Santa Cruz,  
9 which equates to an estimated **13 active known cases of COVID-19 in the City of Santa Cruz**.

10 6. As of June 21, 2020, the County reported negligible hospitalizations for COVID-19 in the  
11 County. See here:  
12 [https://www.santacruzhealth.org/Portals/7/Pdfs/coronavirus/SEIR\\_v12b\\_hospitalized-full\\_2021-06-](https://www.santacruzhealth.org/Portals/7/Pdfs/coronavirus/SEIR_v12b_hospitalized-full_2021-06-16.pdf)  
13 [16.pdf](https://www.santacruzhealth.org/Portals/7/Pdfs/coronavirus/SEIR_v12b_hospitalized-full_2021-06-16.pdf) .

14 7. In mid-June 2020, in light of the improving pandemic outlook, the state did away with its  
15 “tiering” system and dropped the vast majority of mask and social distancing requirements. See  
16 [https://www.gov.ca.gov/2021/06/11/as-california-fully-reopens-governor-newsom-announces-plans-to-](https://www.gov.ca.gov/2021/06/11/as-california-fully-reopens-governor-newsom-announces-plans-to-lift-pandemic-executive-orders/)  
17 [lift-pandemic-executive-orders/](https://www.gov.ca.gov/2021/06/11/as-california-fully-reopens-governor-newsom-announces-plans-to-lift-pandemic-executive-orders/) .

18 8. According to the County dashboard, as of June 21, 2021, the ‘Santa Cruz County  
19 COVID-19 Effective Reproduction Number (Rt )’ has been below 1.0 since early January 2021, and the  
20 current Effective Reproduction Number (Rt ) is currently reported to be about 0.5. See  
21 [https://www.santacruzhealth.org/HSAHome/HSADivisions/PublicHealth/CommunicableDiseaseControl](https://www.santacruzhealth.org/HSAHome/HSADivisions/PublicHealth/CommunicableDiseaseControl/CoronavirusHome.aspx)  
22 [/CoronavirusHome.aspx](https://www.santacruzhealth.org/HSAHome/HSADivisions/PublicHealth/CommunicableDiseaseControl/CoronavirusHome.aspx) .

23 9. The County of Santa Cruz also operates a website that gives information as to local  
24 vaccination rates. As of June 21, 2021, in the entire County of Santa Cruz, 62.80% of the total county  
25 population had at least one dose of the vaccine, and 53.49% of the total County population were fully  
26 vaccinated.

27 [https://www.santacruzhealth.org/HSAHome/HSADivisions/PublicHealth/CommunicableDiseaseControl](https://www.santacruzhealth.org/HSAHome/HSADivisions/PublicHealth/CommunicableDiseaseControl/CoronavirusHome/Vaccine.aspx)  
28 [/CoronavirusHome/Vaccine.aspx](https://www.santacruzhealth.org/HSAHome/HSADivisions/PublicHealth/CommunicableDiseaseControl/CoronavirusHome/Vaccine.aspx) .

1 10. In the 95060 zip code (where the Benchlands / San Lorenzo Park is located), as of June  
2 21, 2021, **70% of the total population has had at least one dose, and 60% of the total population is**  
3 **fully vaccinated.** See

4 <https://www.santacruzhealth.org/HSAHome/HSADivisions/PublicHealth/CommunicableDiseaseControl>  
5 </CoronavirusHome/Vaccine.aspx> .

6 11. In its May 13, 2021 order, the Court stated: “The Parties are ORDERED to meet and  
7 confer regarding the issues raised, and the Court will address those issues as appropriate at the next  
8 status hearing.” Doc. 60.

9 12. Pursuant to that order and Plaintiffs’ request, Mr. Prince and I facilitated a one-hour  
10 meeting on June 15, 2021, between the plaintiffs’ representatives and relevant City staff, with attorneys  
11 present. Note that *none of Plaintiffs’ representatives present at this meeting actually lived at the*  
12 *Benchlands.*

13 13. I am aware that Plaintiffs’ position is that the Homeless Union should be a part of a board  
14 or committee that makes decisions for the City at the Benchlands, and potentially for homeless issues in  
15 general. While the City has not agreed to this request, City staff is currently open to taking periodic  
16 meetings with the Homeless Union with respect to issues at San Lorenzo Park. Homeless Union  
17 members are also welcome to attend the Benchlands camp meeting on Thursday evenings, as discussed  
18 in the concurrently submitted Declaration of Chris Monteith.

19 14. At our June 15 meeting, Homeless Union members made a number of suggestions –  
20 mostly for more or improved services at the Benchlands. For example, Homeless Union members asked  
21 for showers, more port-o-potties, more trash service, shade at the charging station, and shaded structures  
22 for all campers. City staff is currently carefully considering these requests to determine how to best  
23 spend limited City funds. We hope to respond to Plaintiffs’ requests for more services before the next  
24 status hearing.

25 15. I also wanted to take this opportunity to direct the Court to the CDC’s updated guidance  
26 on encampments. A copy of that policy is located online at [https://www.cdc.gov/coronavirus/2019-](https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html)  
27 [ncov/community/homeless-shelters/unsheltered-homelessness.html](https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html). The last portion of that policy,  
28 “Considerations for a Long-Term Infection Prevention Strategy for People Experiencing Unsheltered

1 Homelessness” is a new addition, and notes that the “factors to consider before modifying community-  
2 level COVID-19 prevention approaches for people experiencing unsheltered homelessness” are: (1)  
3 community transmission levels, (2) vaccination levels, and (3) availability of housing.  
4

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
6 true and correct and that this declaration is executed on June 22, 2021.  
7

8 /s/ Catherine Bronson  
9 CATHERINE BRONSON  
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