

Tony Condotti

From: Suzanne Haberman <shaberman@cityofsantacruz.com>
Sent: Thursday, March 26, 2020 3:12 PM
To: Barbara Choi; Cassie Bronson
Subject: FW: COVID-19 Emergency Declaration - Executive Order No. 2020-01

From: Martin Bernal
Sent: Thursday, March 26, 2020 3:11 PM
To: Suzanne Haberman
Subject: FW: COVID-19 Emergency Declaration - Executive Order No. 2020-01

From: Martin Bernal
Sent: Thursday, March 19, 2020 5:28 PM
To: Andrew Mills <amills@cityofsantacruz.com>
Cc: dl_Dept Heads <dl_DeptHeads@cityofsantacruz.com>; Susie O'Hara <SOhara@cityofsantacruz.com>
Subject: COVID-19 Emergency Declaration - Executive Order No. 2020-01

Dear Chief Mills,

In light of the current COVID-19 pandemic, the Santa Cruz City Council declared an emergency, and under SCMC 2.20, I serve as the emergency services director. Under SCMC 2.20.040, as the emergency services director, I have the authority to:

- (1) Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council;
- (2) Obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the city for the fair value thereof, and if required immediately, to commandeer the same for public use;
- (3) Require emergency services of any city officer or employee and, in the event of the proclamation of a state of emergency by the Governor in the region in which this city is located, to command the aid of as many citizens of this community as he or she thinks necessary in the execution of his or her duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law;
- (4) Requisition necessary personnel or material of any city department or agency;
- (5) Execute all of his or her ordinary powers as a city officer, all of the special powers conferred upon him or her by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him or her by any statute, agreement approved by the city council, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the city and to exercise all police power vested in the city by the Constitution and general laws.

Additionally, as the emergency services director, I have the authority to conduct a “summary nuisance abatement” under SCMC 2.20.080.

The large, unsanctioned encampments near the post office are a public nuisance and present a serious public health concern – to both the encampment occupants and to the public who might visit the post-office.

I have decided that the safest way forward is to vacate the Post Office encampment and offer all encampment inhabitants alternative shelter. We currently do have shelter capacity in the City, and I have directed City staff to set up additional temporary, triage/safe sleeping sites.

Thus, I am ordering you to promptly post a notice to vacate the Post Office encampment, and to require all encampment inhabitants to vacate before Friday, March 20th at 10:00 am.

City staff will also provide encampment inhabitants with alternate shelter information and temporarily fence off the sidewalk to prevent reoccurrence of the nuisance conditions in that area.

My hope is to conduct these operations as peacefully as possible, without arrest or citation. Thus, please provide encampment occupants with a reasonable amount of time and notice to peacefully pack-up and leave the encampment.

With that said, should encampment occupants refuse to vacate the encampment peacefully, a citation or arrest may occur pursuant to SCMC 2.20.110(1), which provides that:

No person shall: (a) Willfully obstruct, hinder or delay any member of the emergency services organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter or in the performance of any duty imposed upon him or her by virtue of this chapter; (b) Do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives or property of inhabitants of this city, or to prevent, hinder or delay the defense or protection thereof;

Thank you for your time and efforts in this matter. Please let me know if you have any questions or require clarification.

Sincerely,

Martin Bernal