

COVID-19 Emergency Declaration – City of Santa Cruz Executive Order No. 2020-02

- A. WHEREAS, in light of the current COVID-19 pandemic, the Santa Cruz City Council declared an emergency, and under SCMC 2.20, the City Manager serves as the emergency services director.
- B. WHEREAS, in the event of an emergency declaration, under SCMC 2.20.040, as the emergency services director, the City Manager has the authority to take various actions to protect public health and safety.
- C. WHEREAS, as the emergency services director, the City Manager has the authority to conduct a “summary nuisance abatement” under SCMC 2.20.080.
- D. WHEREAS, in light of the current circumstances, and given the lack of “social distancing”, the large, consistent gatherings and food distribution operations currently being conducted near at the City’s Clock Tower (North Pacific Avenue & Water Street, Santa Cruz, CA 95060, 36.977156 -122.026925) are public nuisance and present a serious public health concern – to those who gather there and to the public generally.
- E. Many of these gatherings are out of compliance with the County’s March 14, 2020 Shelter in Place order, prohibiting all non-essential “public and private gatherings of any number of people occurring outside a household or living unit”[.] The Shelter in Place Order further provides that “to the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence.”
- F. WHEREAS, the City Manager has determined that the safest way forward is to temporarily vacate the area near the Clock Tower and direct those wishing to engage in free food distribution to a different location where “social distancing” can be maintained, and where adequate hygiene services can be provided.
- G. WHEREAS, violation of this order is a misdemeanor under SCMC section 2.20.110 and/or Penal Code section 148(a).

NOW, THEREFORE, I MARTIN BERNAL, City Manager, in accordance with the authority provided to me as emergency services directed under the Santa Cruz Municipal Code, and in particular SCMC Chapter 2.20, do hereby issue the following Order, to become effective immediately.

IT IS HEREBY ORDERED THAT:

- 1) Individuals occupying the area, including but not limited to individuals conducting food distribution services and other social gatherings, near the City’s Clock Tower (North

Pacific Avenue & Water Street, Santa Cruz, CA 95060, 36.977156 -122.026925) are ordered to promptly vacate the Clock Tower area and comply with social distancing.

- 2) The Santa Cruz Police Department is ordered to post a Notice to Vacate the Clock Tower area, and to require individuals to promptly vacate, comply with social distancing, and remove their belongings.
- 3) The SCPD is ordered to conduct these operations as peacefully as possible, without unnecessary arrest or citation. The SCPD is directed to provide those who gather at that location with a reasonable amount of time and notice to peacefully pack-up and leave the area.
- 4) During the time when “social distancing” is recommended by the County of Santa Cruz or State of California, the City staff is authorized to cause the Clock Tower area, and adjacent areas including the entire physical median between Knight Street, North Pacific Avenue and Water Street, to be fenced off and closed to prevent reoccurrence of the dangerous conditions in those areas.
- 5) City staff is ordered to provide those engaging in free food service with alternate, safer location to engage in such activities, where social distancing and adequate hygiene and sanitation can be maintained.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Santa Cruz, its departments, officer, or employees.

IT IS SO ORDERED, on March 24, 2020



Martin Bernal

City Manager / Emergency Services Director