



**COVID-19 Emergency Declaration – City of Santa Cruz Executive Order No. 2020-07
(Order to Implement CDC Guidance re Encampments at the Benchlands)**

- A. WHEREAS, in light of the current COVID-19 pandemic, the Santa Cruz City Council declared a local health emergency re: Coronavirus (COVID-19) by Resolution No. NS-29,640 on March 10, 2020. On April 28, 2020, the Santa Cruz City Council extended that declaration of a local health emergency, by way of Resolution No. NS-29,653.
- B. WHEREAS, this order and the previous orders issued during this emergency have all been issued because of the propensity of the virus to spread person-to-person.
- C. WHEREAS, the County of Santa Cruz is currently experiencing an outbreak of COVID-19 which has been deemed a global health pandemic by the World Health Organization.
- D. WHEREAS, as of April 30, 2020 the County of Santa Cruz has reported 131 confirmed cases of COVID-19 in Santa Cruz County, and 2 deaths.
- E. WHEREAS, under Santa Cruz Municipal Code (SCMC) § 2.20.030, the City Manager serves as the Emergency Services Director. In the event of an emergency declaration, as the Emergency Services Director, the City Manager has the authority to take various actions in the City’s interest, including making and issuing “rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency” (SCMC § 2.20.040(1)) and requiring “emergency services of any city officer or employee”[.] (SCMC§ 2.20.040(3)).
- F. WHEREAS, as the Emergency Services Director, the City Manager also has the authority to “[e]xecute 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.” SCMC 2.20.040(5).
- G. WHEREAS, during the COVID-19 pandemic, the State of the California and the County of Santa Cruz have issued various public health orders, requiring individuals to stay home except as needed subject to certain exceptions. The currently operative Santa Cruz County “Shelter in Place” order requires most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses.

- H. The currently operative County “Shelter in Place” order states: “Government agencies and other entities operating shelters and other facilities that house or provide meals or other necessities of life for individuals experiencing homelessness should take appropriate steps to help ensure compliance with Social Distancing Requirements.” See March 31, 2020, County Health Order, p. 8, ¶ 13.
- I. WHEREAS, the City is aware that, currently, approximately 40 unsheltered individuals are sleeping an area of San Lorenzo Park known as “the Benchlands.” Without City intervention, this encampment has the possibility to grow in an unsafe, unsanitary way - without adequate physical distancing.
- J. WHEREAS, The Centers for Disease Control has issued interim guidance regarding encampments and COVID-19, which states: “* Unless individual housing units are available, do not clear encampments during community spread of COVID-19. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread. * Encourage people staying in encampments to set up their tents/sleeping quarters with at least 12 feet x 12 feet of space per individual. * Ensure nearby restroom facilities have functional water taps, are stocked with hand hygiene materials (soap, drying materials) and bath tissue, and remain open to people experiencing homelessness 24 hours per day. * If toilets or handwashing facilities are not available nearby, provide access to portable latrines with handwashing facilities for encampments of more than 10 people.” See <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>, last accessed March 30, 2020.
- K. The intent of the Executive Order is to implement, at the Benchlands, County’s Shelter in Place Order and the CDC’s COVID-19 guidance on the issue encampments/unsheltered individuals.

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

IT IS HEREBY ORDERED THAT:

- 1. Until further notice, and during the COVID-19 pandemic and while the County either encourages or requires physical/social distancing, the City shall encourage people sleeping in encampments at the Benchlands to set up their tents/sleeping quarters in a safe and sanitary way, with at least 12 feet x 12 feet of space per individual.
- 2. To accomplish this goal safely, the City shall do the following things:
 - a. create and implement an encampment lay-out plan which provides for adequate social/physical distancing.
 - b. require those who are camping at the Benchlands to stay within the City’s encampment lay-out plan.

- c. Require those who are camping at the Benchlands to abide by basic rules of conduct, including:
 - i. All trash must be disposed of properly in refuse containers. Accumulated litter in or outside of each designated campsite is strictly prohibited.
 - ii. All belongings and personal property must be kept within the property owner's designated campsite.
 - iii. Pets must be under immediate control of the pet's owner at all times, and must remain either inside tents or leashed. Pets may not roam free, make excessive noise, threaten or harm others. All pet waste must be promptly cleaned up.
 - iv. Fireworks, firearms, or other weapons are strictly prohibited.
 - v. No violence, intimidation or verbal abuse will be tolerated. Degrading ethnic, racist, sexist, homophobic, or other demeaning remarks are prohibited.
 - vi. Individuals residing at or visiting the encampment must comply with all applicable local, State and federal laws, rules, and regulations.
 - d. Provide restroom facilities, handwashing facilities, and trash facilities.
3. San Lorenzo Park and the Benchlands have park operating hours of sunrise to sunset. Until further notice, and during the COVID-19 pandemic and while the County either encourages or requires social distancing (also called physical distancing), those park hours shall be not enforced as to individuals who are:
- a. residing in an encampment within the City's encampment lay-out plan; and
 - b. abiding by the basic rules of conduct listed in Section 2c above.
4. San Lorenzo / Benchlands park hours shall apply and will be enforced in all other circumstances.

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 April 30, 2020



Martín Bernal
City Manager / Emergency Services Director