



**COVID-19 Emergency Declaration – City of Santa Cruz Executive Order No. 2020-08
(Addressing Parking on the Santa Cruz Municipal Wharf)**

- 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, 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).)
- C. 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).)
- D. WHEREAS, during the COVID-19 pandemic, to reduce the spread of the virus and protect the public health, 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.
- E. The County of Santa Cruz’s currently operative Shelter In Place Order, originally dated March 31, 2020 and extended and modified effective May 1, 2020, states that individuals may only leave their residences to engage in certain “Essential Activities”, “Essential Governmental Functions”, “Essential Travel”, to work for “Essential Businesses”, or to perform “Minimum Basic Operations” for non-essential businesses. (See March 31, 2020 County of Santa Cruz, Health Officer Order, p. 1, ¶ 3). It also provides that “All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes expressly permitted in this Order.” (See March 31, 2020 County of Santa Cruz, Health Officer Order, p. 2, ¶ 6). The Shelter In Place Order also generally prohibits all travel, except for specifically defined “Essential Travel.” (See March 31, 2020 County of Santa Cruz, Health Officer Order, p. 2, ¶ 7).

- F. WHEREAS, the Santa Cruz Municipal Wharf and Santa Cruz's beaches are popular tourist destinations, and places where individuals tend to gather in large numbers and potentially crowded conditions, especially in good weather. Large, crowded gatherings could cause the virus to spread rapidly.
- G. WHEREAS, restaurants offering take-out food on the Wharf are properly characterized as "Essential Businesses" under the County Health Officer's Order, which strongly encourages Essential Businesses to remain open. (See March 31, 2020 County of Santa Cruz, Health Officer Order, p. 2, ¶ 8).
- H. WHEREAS, the purpose of this executive order is to encourage individuals to pick up necessary food items from restaurants on the Wharf, but discourage crowded conditions on the Wharf and on nearby beaches.
- I. WHEREAS, SCMC section 14.04.380 provides that, on the Municipal Wharf "[t]he city manager . . . shall determine and designate the character of warning, direction and parking signs, and shall cause to be placed such warning, direction and parking signs."
- J. WHEREAS, the City's Director of Public Works (who serves as the City's Traffic Engineer under SCMC section 10.08.060), the City's Director of Parks and Recreation, and the City's Transportation Manager have all reviewed and approved of the parking rules established by this executive order.
- K. 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.

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, and also in accordance with the authority described in SCMC 14.04.380, hereby issue the following Order, to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. Until further notice, during the COVID-19 pandemic and while the County of Santa Cruz either encourages or requires social distancing (also called physical distancing), the City shall make 30-70 parking spaces available for individuals to pick up take-out food from the restaurants on the Wharf. These spaces shall be marked for short-term (20 minute) parking only. For the time being, all other parking on the Wharf shall be closed.
2. The City's Parks & Recreation Director, in consultation with the City's Transportation Manager, shall have the authority to determine the exact location and quantity of the above referenced short-term parking spaces.
3. The City's Parks & Recreation Director, in consultation with the City's Transportation Manager, shall have the authority to re-open parking spaces on the Wharf, if conditions warrant, in

consideration of the latest COVID-19 / public health guidance available from the County of Santa Cruz, the State of California, and/or the federal government.

4. City staff shall post clear, uniform signage, which designates and clearly identifies the “no parking” and the “20-minute parking” areas on the Wharf.
5. Any person who parks a vehicle in violation of the parking rules created by this Executive Order may be subject to prosecution or citation under any relevant provision of law, including SCMC section 10.53.040 and SCMC 2.20.110.

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 May 4, 2020



Martin Bernal
City Manager / Emergency Services Director