



**COVID-19 Emergency Declaration – City of Santa Cruz Executive Order No. 2020-09  
(Order to Abate Nuisance Conditions on Coral St. and  
Establish a Nearby Encampment that Complies with CDC Guidance)**

- 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 May 4, 2020 the County of Santa Cruz has reported 137 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, SCMC § 2.20.080 provides that “whenever, in the judgment of the director of emergency services, or of the director’s designee, it appears that a public nuisance exists in, on, or near any building, structure, or property, constituting an immediate threat to public health or safety, requiring prompt action, the director, or the director’s designee, may order that the building, structure, or property, or a portion thereof, be immediately: (a) Vacated, barricaded, boarded up or otherwise secured against use or occupancy by all persons except as permitted by the order, and thereafter kept vacant until the chief building official of the city has issued permission to reoccupy the premises; (b) Repaired or altered in a manner set forth in the order, so as to be safe; [and/or] (c) Demolished.”
- G. 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).

- H. WHEREAS, during the COVID-19 pandemic, the State of California and the County of Santa Cruz have issued various public health orders. 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, requires most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies.
- I. WHEREAS, 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, extended and modified on May 1, 2020.
- J. WHEREAS, the currently operative County “Shelter in Place” order also provides that, “Individuals experiencing homelessness are strongly urged to obtain shelter, or continuing sheltering in place, and governmental and other entities are strongly urged to make such shelter available as soon as possible, and to the maximum extent practicable (and to use Social Distancing Requirements in their operation).” See May 1, 2020, County Health Order, p. 1, ¶ 1.
- K. WHEREAS, the City is aware that, currently, approximately 40 unsheltered individuals are sleeping on the streets and/or sidewalks of Coral St., between River St. and Limekiln St. This area is also subject to significant daytime pedestrian use.
- L. WHEREAS, the conditions on the streets and sidewalks of Coral St., between River St. and Limekiln St. currently constitute a severe public nuisance. The conditions on Coral St. negatively impact the encampment occupants, employees of nearby establishments, neighbors, and members of the public, including other unsheltered individuals who visit the area to obtain services from Housing Matters, Encompass and the Homeless Persons Health Project. City staff has firsthand knowledge of excessive amounts of trash, rodents, discarded syringes, and human waste in the area and have received similar complaints to this effect from adjacent business and residential neighbors. Crime has escalated in the area, as evidenced in two recent violent crimes and accounts presented to City law enforcement staff by the general management of Costco. These conditions constitute an immediate threat to public health and safety, and prompt action is required. Without intervention, these nuisance conditions will persist, and these encampments will continue to grow in an unsafe and unsanitary way - without adequate physical distancing, which presents a risk of spreading COVID-19.
- M. WHEREAS, the Centers for Disease Control has issued interim guidance regarding encampments and COVID-19. This guidance discourages encampment clearing (when individual housing units are unavailable) and encourages local governmental entities to encourage physical distancing and provide hygiene services. See <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>, last accessed May 4, 2020.
- N. The intent of this Executive Order is to: (1) abate the nuisance conditions on Coral St., between River St. and Limekiln St., (2) prevent nuisance conditions from immediately reoccurring in that

and directly adjacent locations, and (3) provide individuals currently residing in this area with the opportunity for safe, nearby shelter.

- O. 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.
- P. WHEREAS, the action contemplated by this order has been discussed with and approved by appropriate staff of both the County of Santa Cruz and Housing Matters.

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 pursuant to the City's general authority to keep its streets and sidewalks clean and abate public nuisances, hereby issue the following Order, to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. Appropriate City staff, including SCPD staff, shall cause the streets and sidewalks of Coral St., between River St. and Limekiln St., including the streets and sidewalks at the intersection of Coral and Limekiln, to be vacated on Wednesday May 6, 2020. Thereafter, the area shall be cleared of debris and cleaned.
2. Inhabitants of this encampment have already been verbally notified, multiple times, that the area will be cleared and cleaned on May 6, 2020. Written notice should also be provided.
3. City staff is directed to cause temporary fencing to be erected and maintained on the north and south sidewalks of Coral St. between River St. and Limekiln. The full extent of the fencing shall be determined by the City Engineer, in consultation with staff from the City Manager's office, with the goals of: (1) allowing for business, pedestrian, and vehicle access, and (2) discouraging the reoccurrence of the nuisance conditions in this particular area.
4. This area of Coral St. had been temporarily closed to vehicular traffic. I am directing that this area be re-opened to vehicular traffic, after nuisance conditions are abated.
5. City staff is directed to provide overnight encampment inhabitants with alternate shelter information.
6. City staff is also directed to create a temporary encampment area within the rear parking lot at 801 and 803 River St. which is nearby property currently controlled by Housing Matters. City staff shall require individuals sleeping in this new encampment to use government-issued tents/sleeping quarters in a safe and sanitary way, with at least 12 feet x 12 feet of space per individual. To accomplish this goal safely, City staff shall do the following things:
  - a. create and implement an encampment lay-out plan which provides for adequate social/physical distancing.
  - b. Provide restroom facilities, handwashing facilities, and trash facilities.

- c. Require those who are residing in this encampment 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. No smoking or open flames may be present in the issued tents at any time.
  - vii. Only one registered bicycle per encampment occupant shall be allowed.
  - viii. Individuals residing at or visiting the encampment must comply with all applicable local, State and federal laws, rules, and regulations.
7. Individuals who do not abide by the rules set out in Section 6(c) above will not be permitted to stay at the encampment. Individuals who do not abide by the rules set out in Section 6(c) above will be asked to leave by appropriate managing staff members from the City, County, or Housing Matters. Such requests to leave the encampment made by managing staff will be enforced by the SCPD.

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 5, 2020**



Martín Bernal  
City Manager / Emergency Services Director