



## Agenda Report

20-378

Agenda Date: 3/17/2020

### REPORT TO COUNCIL

#### SUBJECT

Action on a Resolution Ratifying the Proclamation of Existence of a Local Emergency by the Director of Emergency Services

#### BACKGROUND

Section 2.140.060 of the Code of the City of Santa Clara, California ("SCCC") empowers the Director of Emergency Services to proclaim the existence or threatened existence of a "local emergency" when the City of Santa Clara is affected or likely to be affected by a public calamity. Any proclamation of a local emergency is subject to ratification by the City Council within seven days.

Ratification of the Director of Emergency Services' (City Manager) proclamation of a local emergency allows the City to exercise extraordinary police powers, such as evacuation; immunity for emergency actions; authorization of issuance of orders and regulations; activation of pre-established emergency provisions; and is a prerequisite for requesting state or federal assistance. Termination of the proclamation of local emergency when conditions warrant is required by law.

The following is a summary of key events related to the spread of COVID-19:

1. A novel coronavirus (named "COVID-19") was first detected in Wuhan City, Hubei Province, China in December 2019.
2. On January 21, 2020, the Centers for Disease Control and Prevention (CDC) confirmed reports from Washington state of the first U.S. resident with COVID-19 infection.
3. On January 30, 2020, the World Health Organization declared the COVID-19 outbreak a Public Health Emergency of International Concern.
4. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency.
5. On January 31, 2020, the first case of COVID-19 was confirmed in the County of Santa Clara ("County").
6. By March 4, 2020, the number of confirmed cases of COVID-19 in the County had increased to eleven (11) with confirmed community spread, the California Department of Health Services reported its first death related to COVID-19, and the Governor of California declared a state of emergency.
7. On March 5, 2020, the County issued guidance on social distancing, large event, and mass gathering closures.
8. By March 6, 2020, the number of confirmed cases of COVID-19 in the County had increased to twenty-four (24).
9. By March 9, 2020, the County Public Health Department announced the first death from COVID-19 and the Public Health Officer issued a mandatory order requiring the cancellation of mass gatherings of 1000 or more people in the County taking effect at 12:00 a.m. on March

11, 2020.

10. By March 11, 2020, the number of confirmed cases of COVID-19 in the County had increased to forty-eight (48).
11. On March 11, 2020, the World Health Organization made the assessment that COVID-19 can be characterized as a pandemic.
12. On March 11, 2020, the CDC issued recommendations for 30-day mitigation strategies for the County based on the current situation with COVID-19 transmission and affected health care facilities including the recommendation to cancel large gatherings e.g., greater than 250 people or move to smaller groupings.
13. On March 11, 2020, the Governor of the State of California announced that California public health officials have determined that gatherings of more than 250 people should be postponed or canceled across the state until at least the end of March.
14. On March 11, 2020, the City's Director of Emergency Services (City Manager) proclaimed a local emergency (Attachment 1).

### **DISCUSSION**

The Centers for Disease Control and Prevention (CDC) considers the virus to be a very serious public health threat with outcomes ranging from mild sickness to severe illness and death. COVID-19 has spread globally over 114 countries, infected over 118,000 people and killed more than 4,000 individuals.

The efforts required to prepare for, respond to, mitigate, and recover from the increasing spread of COVID-19 have imposed, and will continue to impose, extraordinary requirements and expenses on the City, requiring diversion of resources from day-to-day operations. Based on the County's infection case reports and expanded guidance and recommendations, the City determined that a large part of its workforce and resident population are at risk of contracting COVID-19. COVID-19 will also impact the City's ability to conduct business and programs, as infection containment and mitigation measures will result in the reduction of meetings, public gatherings, City programs, City Council meetings and other operations that cannot be easily or immediately automated or executed remotely.

Due to the risk of prolonged impacts a COVID-19 outbreak could have on employees, residents, businesses, and operations, the City faces:

- Disruptions in service delivery
- Impacts on City performance measures
- Impacts on revenue from event cancellation, and social distancing accommodations
- Costs associated with workplace modification accommodations
- Employee absenteeism

A Proclamation of Local Emergency provides the authority to:

- Provide and request mutual aid from state and other governmental agencies consistent with the provisions of local ordinances, resolutions, emergency plans, and agreements.
- Promulgate orders and regulations and exercise emergency police powers necessary to provide for protection of life and property.
- Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required

immediately, to commandeer the same for public use.

- Require emergency services of any City officer or employee and activate the use of disaster service workers who shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers.
- Requisition necessary personnel or material of any City department or agency.

Because conditions of extreme peril to the safety of persons and property have arisen within the City, caused by a COVID-19, a Proclamation of a Local Emergency was issued by the Director of Emergency Services on March 11, 2020, at which time the City Council was not in session. Attachment 2 provides a Resolution Ratifying the Proclamation of Existence of a Local Emergency by the Director of Emergency Services.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

### **FISCAL IMPACT**

There is no fiscal impact to the City other than administrative staff time.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **RECOMMENDATION**

Adopt a Resolution Ratifying the Proclamation of Existence of a Local Emergency by the Director of Emergency Services.

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Proclamation of Local Emergency by Director of Emergency Services dated March 11, 2020
2. Resolution Ratifying the Proclamation of Existence of a Local Emergency by the Director of Emergency Services

NO. 20-01

**A PROCLAMATION OF LOCAL EMERGENCY IN THE CITY OF  
SANTA CLARA, CALIFORNIA BY THE DIRECTOR OF  
EMERGENCY SERVICES**

**BE IT PROCLAIMED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, section 2.140.060 of "The Code of the City of Santa Clara, California" ("SCCC") empowers the Director of Emergency Services to proclaim the existence or threatened existence of a "local emergency" when the City of Santa Clara is affected or likely to be affected by a public calamity, subject to ratification by the City Council within seven days;

**WHEREAS**, a novel coronavirus (named "COVID-19") was first detected in Wuhan City, Hubei Province, China in December 2019. The Centers for Disease Control and Prevention (CDC) considers the virus to be a very serious public health threat with outcomes ranging from mild sickness to severe illness and death. COVID-19 has spread globally over 114 countries, infected over 118,000 people and killed more than 4,000 individuals<sup>1</sup>;

**WHEREAS**, On January 30, 2020, the World Health Organization declared the COVID-19 outbreak a Public Health Emergency of International Concern;

**WHEREAS**, On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency;

**WHEREAS**, On January 31, 2020, the first case of COVID-19 was confirmed in the County of Santa Clara ("County");

**WHEREAS**, by March 4, 2020 the number of confirmed cases of COVID-19 in the County had increased to eleven (11) with confirmed community spread, the California Department of Health Services reported its first death related to COVID-19, and the Governor of California declared a state of emergency;

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<sup>1</sup> World Health Organization Coronavirus disease (COVID-19) Situation Report - 51  
[https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200311-sitrep-51-covid-19.pdf?sfvrsn=1ba62e57\\_4](https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200311-sitrep-51-covid-19.pdf?sfvrsn=1ba62e57_4)

**WHEREAS**, on March 5, 2020, the County issued guidance on social distancing, large event, and mass gathering closures;

**WHEREAS**, by March 6, 2020 the number of confirmed cases of COVID-19 in the County had increased to twenty-four (24);

**WHEREAS**, on March 9, 2020 the County Public Health Department announced the first death from COVID-19 and the Public Health Officer issued a mandatory order requiring the cancellation of mass gatherings of 1000 or more people in the County taking effect at 12:00 a.m. on March 11, 2020;

**WHEREAS**, by March 11, 2020 the number of confirmed cases of COVID-19 in the County had increased to forty-eight (48);

**WHEREAS**, on March 11, 2020 the World Health Organization made the assessment that COVID-19 can be characterized as a pandemic;

**WHEREAS**, on March 11, 2020 the CDC issued recommendations for 30-day mitigation strategies for the County based on the current situation with COVID-19 transmission and affected health care facilities including the recommendation to cancel large gatherings e.g., greater than 250 people or move to smaller groupings;

**WHEREAS**, On March 11, 2020 the Governor of the State of California announced that California public health officials have determined that gatherings of more than 250 people should be postponed or canceled across the state until at least the end of March.

**WHEREAS**, the efforts required to prepare for, respond to, mitigate, and recover from the increasing spread of COVID-19 have imposed, and will continue to impose, extraordinary requirements and expenses on the City, requiring diversion of resources from day-to-day operations; and

**WHEREAS**, conditions of extreme peril to the safety of persons and property have arisen within the City of Santa Clara, caused by a COVID-19, commencing on or about March 11, 2020, at which time the City Council was not in session.

**NOW THEREFORE, BE IT FURTHER PROCLAIMED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the Director of Emergency Services hereby finds that conditions of extreme peril to the safety of persons and property do warrant and necessitate the proclamation of a local emergency.
2. That the Director of Emergency Services of the City of Santa Clara proclaims the existence of a local emergency within the City of Santa Clara on March 11, 2020.
3. That it is therefore proclaimed and ordered that the local emergency shall be ratified by the City Council within 7 days of this proclamation and will be reviewed at least every 30 days until termination is proclaimed by the City Council per Government Code 8630.
4. Effective date. This proclamation shall become effective immediately.

Date: 3/11/2020



DEANNA J. SANTANA

Director of Emergency Services

City of Santa Clara

RESOLUTION NO. 20-8815

A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA, RATIFYING THE PROCLAMATION OF  
EXISTENCE OF A LOCAL EMERGENCY BY THE DIRECTOR  
OF EMERGENCY SERVICES

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

**WHEREAS**, section 2.140.060 of "The Code of the City of Santa Clara, California" ("SCCC") empowers the Director of Emergency Services to proclaim the existence or threatened existence of a "local emergency" when the City of Santa Clara is affected or likely to be affected by a public calamity, subject to ratification by the City Council within seven days;

**WHEREAS**, pursuant to California Government Code Section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster;

**WHEREAS**, the purpose of a local emergency proclamation is to provide extraordinary police powers, immunity for emergency actions, authorize issuance of orders and regulations, and activate pre-established emergency provisions;

**WHEREAS**, a local emergency proclamation is a prerequisite for requesting state or federal assistance; and,

**WHEREAS**, conditions of extreme peril to the safety of persons and property have arisen within the City, based on the following, commencing on or about March 11, 2020, at which time the City Council was not in session:

1. A novel coronavirus (named "COVID-19") was first detected in Wuhan City, Hubei Province, China in December 2019. The Centers for Disease Control and Prevention (CDC) considers the virus to be a very serious public health threat with outcomes ranging from mild sickness to severe illness and death.

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2. COVID-19 has spread globally over 114 countries, infected over 118,000 people and killed more than 4,000 individuals<sup>1</sup>.
3. On January 30, 2020, the World Health Organization declared the COVID-19 outbreak a Public Health Emergency of International Concern.
4. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency.
5. On January 31, 2020, the first case of COVID-19 was confirmed in the County of Santa Clara ("County").
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7. On March 5, 2020, the County issued guidance on social distancing, large event, and mass gathering closures.
8. By March 6, 2020 the number of confirmed cases of COVID-19 in the County had increased to twenty-four (24).
9. By March 9, 2020 the County Public Health Department announced the first death from COVID-19 and the Public Health Officer issued a mandatory order requiring the cancellation of mass gatherings of 1,000 or more people in the County taking effect at 12:00 a.m. on March 11, 2020.
10. By March 11, 2020 the number of confirmed cases of COVID-19 in the County had increased to forty-eight (48).
11. On March 11, 2020 the World Health Organization made the assessment that COVID-19 can be characterized as a pandemic.

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<sup>1</sup> World Health Organization Coronavirus disease (COVID-19) Situation Report – 51  
<https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200311-sitrep-51-covid->



12. On March 11, 2020 the CDC issued recommendations for 30-day mitigation strategies for the County based on the current situation with COVID-19 transmission and affected health care facilities including the recommendation to cancel large gatherings e.g., greater than 250 people or move to smaller groupings.
13. On March 11, 2020 the Governor of the State of California announced that California public health officials have determined that gatherings of more than 250 people should be postponed or canceled across the state until at least the end of March.
14. The efforts required to prepare for, respond to, mitigate, and recover from the emergency conditions caused by COVID-19 have imposed or will impose extraordinary requirements and expenses on the City.

**WHEREAS**, the Director of Emergency Services of the City of Santa Clara did proclaim the existence or threatened existence of a local emergency within the City of Santa Clara on March 11, 2020;

**WHEREAS**, the City Council does hereby find that the above described conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency in the City;

**WHEREAS**, California Government Code, Title 2, Division 1, Chapter 7.5 - California Disaster Assistance Act (CDAA) allows that with the Proclamation of a Local Emergency the City may seek financial assistance and may request reimbursement of the significant expenses incurred during response, if approved by the Director of the California Office of Emergency Services or Concurrence or Governor's Proclamation;

**WHEREAS**, on March 11, 2020, the Director of Emergency Services issued a proclamation declaring the existence of a local emergency within the City; and,

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**WHEREAS**, the associated emergency conditions are ongoing and the emergency should not be terminated at this time.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

1. The Proclamation of Local Emergency, as issued by the Director of Emergency Services on March 11, 2020, is hereby ratified and confirmed.
2. The City Council has reviewed the need for continuing the proclamation of local emergency and finds based on substantial evidence that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19.
3. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Santa Clara.
4. The Director of Emergency Services is hereby directed to report to the City Council at least every 30 days until termination is proclaimed by the City Council per Government Code 8630.
5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 17<sup>TH</sup> DAY OF MARCH, 2020, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Chahal, Davis, Hardy, O'Neill, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:



NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Proclamation of Local Emergency by Director of Emergency Services dated March 11, 2020