

RESOLUTION NO. _____ *

**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; and

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; and

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.

2. COVID-19 has spread globally over 114 countries, infected over 118,000 people and killed more than 4,000 individuals¹.
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).

¹ 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

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. 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

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.

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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 ____ DAY OF _____, 20____, BY THE FOLLOWING
VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: Proclamation of Local Emergency by Director of Emergency Services dated
March 11, 2020

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of Emergency Services.doc