



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>> 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