

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE TERMINATING THE DIRECTOR OF EMERGENCY SERVICES' MARCH 6, 2020, PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY FOR COVID RESPONSE

WHEREAS, Section 8.08.210 of Chapter 8.08 of Title 8 of the San José Municipal Code empowers the Director of the Emergency Services (City Manager or Designee) to proclaim the existence or threatened existence of a local emergency if the Council of the City of San José ("City") is not in session, and requires that the City Council shall take action to ratify the proclamation within seven (7) days thereafter, or the proclamation shall have no further force or effect; and

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:

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”) considered the virus to be a very serious public health threat.
2. On January 24, 2020, the City established and activated its Pandemic Management Team and the City’s Pandemic Response Plan.
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. On February 10, 2020, the County declared a local health emergency and proclaimed a local emergency.
7. By March 4, 2020, the number of confirmed cases of COVID-19 increased to eleven (11) in the County 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.
8. On March 4, 2020, the City partially activated its Emergency Operations Center and began scaling up resources and response in preparation for event and facility closures, increased telecommuting/ work-from-home capacity for employees, augmentation of communication to employees and coordination with partner agencies, as well as other work-place and program modifications to ensure the continuity of City operations while protecting the safety of our employees, providing effective communication, and supporting the County.

9. By March 5, 2020, the number of confirmed cases of COVID-19 had increased to twenty (20) in the County, with strong evidence of increasing community spread. The County expanded its guidance and City escalated its Pandemic Response.
10. On March 6, 2020, the City Manager, as Director of Emergency Services, Proclaimed the Existence of a Local Emergency.
11. On March 10, 2020, the City Council ratified the proclamation. The City Council extended the emergency every 60 days until August 18, 2021. The Emergency Operations Center (EOC) remained active until June 30, 2022.
12. Since June 30, 2022, when the EOC deactivated, the Office of Emergency Management maintained vigilant monitoring and coordination with Santa Clara County Public Health. While the public continues to experience COVID-19 cases, hospitalizations have decreased, and the public health system stabilized, prompting Governor Newsom to issue a proclamation ending the state's COVID State of Emergency on February 28, 2023, and President Biden to sign a bill on April 10, 2023, that immediately terminated the national emergency, with the underlying public health emergency expiring on May 11, 2023; and

WHEREAS, pursuant to California Government Code section 8630(d), the Proclamation of Local Emergency can be terminated by City Council when conditions warrant such termination;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Manager, as Director of Emergency Services, hereby terminates the March 6, 2020, Proclamation of the Existence of a Local Emergency for COVID Response.

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk