

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE FINDING THAT EXPENDITURES IN CONNECTION WITH THE COVID-19 EMERGENCY FOR THE PURPOSE OF PROCURING, DEVELOPING AND CONSTRUCTING EMERGENCY BRIDGE HOUSING COMMUNITIES, EMERGENCY INTERIM SHELTERS OR EMERGENCY SHELTER ARE DEEMED BY THE COUNCIL TO BE OF URGENT NECESSITY FOR THE PRESERVATION OF LIFE, HEALTH, OR PROPERTY AND THAT SUCH EXPENDITURES ARE EXEMPTED FROM CHARTER BIDDING AND PROCUREMENT REQUIREMENTS PURSUANT TO SECTION 1217(E)(5) OF THE CITY CHARTER

WHEREAS, the City of San José (the “City”) is authorized by Section 1217 of the City Charter to waive the procurement and bidding requirements applicable to public works projects as set forth in that Section under conditions of urgent necessity for the preservation of life, health and property; and

WHEREAS, on January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 (“novel coronavirus”) a Public Health Emergency of International concern, and on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on March 11, the WHO declared the coronavirus outbreak a pandemic and on March 13, 2020 the President issued a Proclamation on Declaring a National Emergency Concerning COVID-19 beginning March 1, 2020; and

WHEREAS, guidance released from the U.S. Department of Housing and Urban Development on March 9, 2020, states that housing instability and frequent mobility increase the risk of exposure to infectious disease, and limited access to health care services and poor living conditions further compound this risk and thus, the experience

of homelessness itself may place homeless individuals at greater risk of exposure to a variety of infectious diseases, including COVID-19; and

WHEREAS, on March 6, 2020, the Director of the Office of Emergency Services of the City of San José issued a Proclamation of Local Emergency finding that the existence and threat of COVID-19 in the community give rise to conditions of extreme peril to the safety and health of persons within the City of San José; and

WHEREAS, on March 16, 2020, the County of Santa Clara (“County”) issued a shelter in place order directing all individuals to shelter in their place of residence unless they must obtain or perform essential services and all businesses, except essential businesses, were required to cease all activities at facilities located within the County; and

WHEREAS, on March 19, 2020, the Governor also issued Executive Order N-33-20 directing California residents to comply with a March 19 State Shelter Order issued by the State Public Health Officer ordering all individuals to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sector; and

WHEREAS, at a White House briefing on March 31, 2020 doctor Anthony S. Fauci, the leading infectious disease expert in the United States and director of the National Institute of Allergy and Infectious Diseases, reported that most recent transmission modelling estimated COVID-19 will kill between 100,000 and 240,000 persons; and

WHEREAS, in the United States, 683,786 cases and 34,180 deaths have already been reported as of April 17, 2020, and the number of cases is expected to continue growing rapidly as the virus is easily transmitted and may result in serious health complications including death; and

WHEREAS, although there is limited information regarding risk factors for COVID-19, certain populations are at higher risk for developing severe illness from the disease, and according to current Center for Disease Control and Prevention (“CDC”) guidance these include people aged 65 years and older, and people with underlying medical conditions; and

WHEREAS, additionally, people experiencing homelessness are considered at risk by the CDC and recommended to take additional precautions; and

WHEREAS, the most effective means of slowing the transmission of COVID-19, as exemplified in the shelter in place order at the State and County levels, requires significantly restricting mobility to limit interaction among people, thus slowing the rate of community transmission, and slowing the virus’s transmission is essential to protecting the most vulnerable, which includes people experiencing homelessness; and

WHEREAS, unsheltered populations are especially vulnerable as they are without a place to shelter, quarantine, or self-isolate; and

WHEREAS, in the most recent County Public Health Order individuals experiencing homelessness are strongly urged to obtain shelter, and “governmental and other entities are urged to, as soon as possible make such shelter available; and

WHEREAS, according to the 2019 San José Homeless Census and Survey, a total of 6,097 people experiencing homelessness were counted in San José, 5,117 of which were unsheltered; and

WHEREAS, the Santa Clara County Office of Supportive Housing identified 849 year-round emergency shelter beds in San José; and

WHEREAS, the above described conditions present an urgent necessity to take action for the preservation of life, health and property through the most rapid procurement, construction and development of emergency shelters, emergency bridge housing or emergency interim housing to increase the City's shelter capacity and allow the City's unsheltered residents an opportunity to shelter in place, protecting both those residents and the larger community.

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

The City Council hereby finds, based on the above recitals and the information provided in the memorandum from the Departments of Housing and Budget for the April 21, 2020 City Council meeting that the expenditures in connection with COVID-19 emergency for purpose of procuring, developing and constructing emergency bridge housing, emergency interim shelters or emergency shelter are hereby deemed to be of urgent necessity for the preservation of life, health, or property and that such expenditures and contracts are hereby exempted from Charter bidding and procurements pursuant to Section 1217(e)(5) of the City Charter.

ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk