

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: David Sykes

**SUBJECT: RATIFICATION OF
A PROCLAMATION OF
LOCAL EMERGENCY RELATED
TO COVID-19**

DATE: March 10, 2020

RECOMMENDATION

- (a) Adopt a resolution ratifying the Director of Emergency Services' proclamation on March 6, 2020 of the existence of a local emergency resulting from community spread of the coronavirus, also known as COVID-19 in the City of San José.
- (b) Receive staff's update on the status of the City's Pandemic Response, its impact on the City of San José, and recovery efforts.

OUTCOME

Ratification of the Director of Emergency Services' (City Manager) or designee's 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. Receiving staff's update on the status will provide the City Council with information on the developments and actions taken regarding the rapidly changing status of the novel coronavirus (COVID-19), including its spread and impact on essential City operations.

BACKGROUND

1. Notice of pneumonia of unknown cause was reported to the World Health Organization (WHO)

On December 31, 2019, the WHO China Country Office was informed of several cases of pneumonia of unknown cause detected in Wuhan City, Hubei Province of China. From December 31, 2019 through January 3, 2020, a total of 44 case-patients with pneumonia

of unknown caused were reported to WHO by the national authorities in China. These were later confirmed to be cases of novel coronavirus.

2. The first case of COVID-19 is detected in the United States

On January 21, 2020, the CDC confirmed reports from Washington state of the first U.S. resident with COVID-19 infection.

3. Pandemic Management Team and Pandemic Response Plan

On January 24, 2020 the City established and activated its Pandemic Management Team and the City's Pandemic Response Plan. At this time, the City response was at Pandemic Response Stage 1 (Monitoring).

The City's Pandemic Response Plan encompasses four sections that outline the following operational priorities:

- Protecting Our People so that they can provide essential City services
- Continuity of Essential City Operations for our residents, businesses, and visitors
- Effective Communication with both our employees and the community
- Support County Public Health Department as the Lead Agency

Using guidance from WHO which provides a pandemic risk system, with a scale ranging from Phase 1 (low risk of a pandemic) to a Phase 6 (a full pandemic), the City of San José developed a 5-stage Pandemic Response Matrix to scale its planning and response priorities city-wide. See **Table 1**.

Table 1- City of San José Local Pandemic Response Stages

	1	2	3	4	5
	MONITORING	LOW	MEDIUM	HIGH	EXTREMELY HIGH
RISK	<ul style="list-style-type: none"> No risk to local population 	<ul style="list-style-type: none"> Low risk to local population 	<ul style="list-style-type: none"> Medium risk to local population 	<ul style="list-style-type: none"> High risk to local population 	<ul style="list-style-type: none"> Extremely high risk to local population
OUTBREAK STATUS	<ul style="list-style-type: none"> Emerging Disease present in other locations No known cases in local population 	<ul style="list-style-type: none"> Local cases contained No outbreaks Containment 	<ul style="list-style-type: none"> Local cases increasing but still low Outbreak possible Containment shifts to Mitigation 	<ul style="list-style-type: none"> Number of infection cases increasing rapidly Outbreak likely or imminent 	<ul style="list-style-type: none"> Full-Blown Epidemic High # of cases of infection Increasing mortality
CITY RESPONSE	<ul style="list-style-type: none"> Plan Learn about emergency threat 	<ul style="list-style-type: none"> Prepare Communications Order supplies Proactive cleaning 	<ul style="list-style-type: none"> Scale up communications Accelerate preparation 	<ul style="list-style-type: none"> Service Modification Social Distancing Continuity of Operations Plan (COOP) 	<ul style="list-style-type: none"> Shut down non-essential services Protective Equipment for Employees
EOC ACTIVATION	<ul style="list-style-type: none"> None Activate Pandemic Team 	<ul style="list-style-type: none"> Regular monitoring Review and update plans 	<ul style="list-style-type: none"> Situation Room Activation <ul style="list-style-type: none"> EPIO OEM 	<ul style="list-style-type: none"> Partial Activation <ul style="list-style-type: none"> Plans Section Operations Section EPIO 	<ul style="list-style-type: none"> Full EOC Activation

- On January 30, 2020, WHO declared the COVID-19 outbreak a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency.
- On January 31, 2020, the first case of COVID-19 was confirmed in the County of Santa Clara (County).

6. On January 31, 2020 the City elevated its response from Pandemic Response Stage 1 to 2 (Low).
7. On February 10, 2020, the County declared a local health emergency and proclaimed a local emergency.
8. On February 26, 2020, the third case of COVID-19 was confirmed in the County and the City escalated its Pandemic Response Stage from 2 to 3 (Medium).
9. By March 4, 2020, the number of confirmed cases of COVID-19 had increased to 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.
10. The County Department of Public Health informed the public that the risk of complications from COVID-19 increases with age, presence of pre-existing conditions, and consistency in personal and workplace hygiene practices.

Those at higher risk include:

- People over 50 years of age. The risk increases significantly thereafter and escalates with age, with persons over age 80 in the highest risk category.
 - People, regardless of age, with underlying health conditions including cardiovascular disease, diabetes, cancer, heart disease, or chronic lung diseases like COPD, as well as those with severely weakened immune systems.
11. On March 4, 2020, the City 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.
 12. On March 5, 2020, the County issued guidance on social distancing¹, large event, and mass gathering closures.

County guidance urges employers to take steps to make it more feasible for their employees to work in ways that minimize close contact with large numbers of people. COVID-19 is more likely to spread when a lot of people gather closely.

¹ Social distancing: Creating ways to increase distance between people in settings where people commonly come into close contact with one another. Specific priority settings include schools, workplaces, events, meetings, and other places where people gather. <https://www.cdc.gov/nonpharmaceutical-interventions/community/index.html>

Employers should:

- Minimize the number of employees working within arm's length of one another, including minimizing or canceling large in-person meetings and conferences.
- Consider use of telecommuting options for appropriate employees.
- Replace in-person meetings with video or telephone conferences.
- Consider staggering start and end times to reduce large numbers of people coming together at the same time.
- Suspend non-essential employee travel.

13. On March 6, 2020, the City's Director of Emergency Services (City Manager) proclaimed a local emergency.

ANALYSIS

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 to over 85 countries, infected more than 95,000 people, and killed more than 3,000 individuals. COVID-19 has severely impacted people, businesses, schools, and critical services worldwide. Given the uncertainty and what little is known about this new virus strain, on January 24, the City of San José activated its Pandemic Management Team and Pandemic Response Plan to increase our preparedness and mitigation practices. On March 5, 2020, Santa Clara County confirmed a total of 20 COVID-19 infections and alerted local jurisdictions of community spread. The County also expanded its guidance for employers and businesses to reduce the risk of infection and spread of COVID-19.

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.

CONCLUSION

Pursuant to the San José Municipal Code and the California Government Code, these actions must be ratified by the City Council within seven days or the proclamation shall have no further force or effect. Ratification of the Proclamation of Local Emergency is required by law and allows the City to exercise emergency 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. The need to continue the local emergency will be brought before Council for review every 60 days until conditions warrant termination, as required by law.

EVALUATION AND FOLLOW-UP

The City Council must review the need to continue the local emergency every 60 days and must terminate the local emergency as soon as conditions warrant.

CLIMATE SMART

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This report will be posted to the agenda website for the City Council's March 10, 2020 meeting.

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COORDINATION

The report was prepared by the Office of Emergency Management in coordination with the City Attorney's Office.

COMMISSION RECOMMENDATION

No commission recommendation or input is associated with this section.

CEQA

Statutory Exempt, CEQA Guidelines Section 15269, Emergency Projects Undertaken for Specific Actions Necessary to Prevent or Mitigate an Emergency.

A handwritten signature in black ink, appearing to read "D. D. Sykes", with a horizontal line extending to the right from the end of the signature.

DAVID SYKES
City Manager

For questions, please contact Raymond Riordan, Director of the City Manager's Office of Emergency Management at (408) 794-7055.