

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: David Sykes

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

DATE: April 23, 2020

RECOMMENDATION

Adopt a resolution finding the continued existence of a local emergency and extending the March 6, 2020 Director of Emergency Services' proclamation of a local emergency resulting from community spread of the coronavirus, also known as COVID-19 in the City of San José.

OUTCOME

Extension 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.

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 cause were reported to WHO by the national authorities in China. These were later confirmed to be cases of novel coronavirus.
2. On January 21, 2020, the first case of COVID-19 is detected in the United States. The Centers of Disease Control and Prevention (CDC) confirmed reports from the State of Washington of the first U.S. resident with COVID-19 infection.

3. 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, Active Preparation.

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 Stage 1 (low risk of a pandemic) to a Stage 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.

4. On January 30, 2020, the World Health Organization 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.
5. 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, Initial Response.
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 Response.
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. 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.

Specifically, those at higher risk included:

- 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.

10. 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.
11. On March 5, 2020, the County issued guidance on social distancing¹, large event, and mass gathering closures. County guidance urged 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. The novel coronavirus is more likely to spread when a lot of people gather closely.
12. On March 5, 2020, the City increased its effort and moved from Stage 3 to 4, High Response.
13. On March 6, 2020, the City's Director of Emergency Services proclaimed a local emergency.
14. On March 10, 2020, the City Council ratified the Proclamation of a Local Emergency.
15. On March 15, 2020, the City increased its effort and moved from Stage 4 to 5, Extremely High Response.
16. On March 16, 2020, the Santa Clara County Public Health Officer issued a Shelter-in-Place Order.
17. On March 17, 2020, the City announced its Response Roadmap through the Epidemic, listing highest priority actions to slow and reduce the spread of COVID-19 and support our most at-risk people. Efforts included accepting leadership of county-wide food distribution efforts, expansion of sheltering and housing services, reassignment of staff to support emergency response, and supporting the advocacy and funding coordination at the state and federal level.
18. On March 19, 2020, the City received a call from the California Office of Emergency Services with the offer of 105 Federal Emergency Management Agency trailers to assist in shelter needs. The final delivery of 102 trailers were staged at the parking lot of Happy Hollow Park. Repairs to make them habitable continue.
19. On March 18, 2020 Mayor Sam Liccardo, along with other Silicon Valley officials and community leaders announced the launch of a new movement, "Silicon Valley Strong." The purpose is to connect struggling residents and businesses with resources they need during the coronavirus outbreak and shelter-in-place mandate. The current balance of contributions and commitments from the community and businesses total \$20 million.

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>

20. On March 31, 2020, the Santa Clara County Public Health Officer issued an Order to Continue Sheltering-in-Place until May 3, 2020.
21. On April 1, 2020, full-day Emergency Childcare for first responders and employees providing essential work became fully operational at various locations, including the Almaden Community Center, Willow Glen Community Center, and other partnering agencies to accommodate care for children ages 0 to 12 years old.
22. On April 2, 2020 the City of San José launched a food distribution map with important information on countywide food distribution sites to ensure food security for those in need. In collaboration with the County of Santa Clara, non-profit community partners, school districts, and faith-based organizations, the Silicon Valley Strong coalition now has 129 food distribution sites operating Monday through Friday
23. On April 4, 2020, Silicon Valley Strong and NBC Bay Area hosted a telethon to help raise additional funding to meet the community needs and provide assistance to those in need. The telethon raised \$217,000.
24. On April 13, 2020, the City of San José begin its planning efforts towards shifting out of Pandemic Response Stage 5, Extremely High Response and onto Stage 6, Initial Re-opening with no vaccine. Staff anticipate the highly restrictive shelter-in-place orders will begin to ease, begin limited re-entry/re-opening of City services, programs, that were previously shut down. Staff will identify how to progressively and safely to reinstate facilities and programs.
25. On April 15, 2020, Governor Gavin Newsom released information on criteria that will determine when to lift the state's shelter-in-place order:
 - The ability to monitor and protect our communities through testing, contact tracing, isolating, and supporting those who are positive or exposed.
 - The ability to prevent infection in people who are at risk for more severe health complications.
 - The ability of the hospital and health systems to handle surges.
 - The ability to develop therapeutics to meet the demand.
 - The ability for businesses, schools, and child care facilities to support physical distancing.
 - The ability to determine when to reinstate certain measures, such as the stay-at-home orders, if necessary.
26. On April 16, 2020, President Trump released guidelines for a 3 Phased Approach to Opening Up America Again.
 - Phase 1: Designed to “mitigate the risk of resurgence” and would allow public venues, such as arenas, theaters, and restaurants to reopen, only under certain social distancing

conditions. However, “all vulnerable individuals should continue to shelter-in-place,” and low-risk individuals should continue social distancing.

- Phase 2: Only applies for regions with no evidence of a rebound. Visits to hospitals, nursing homes, and similar locations will remain prohibited. However, schools, day care centers, and camps can reopen, and nonessential travel can resume. Public venues can begin to ease social distancing restrictions.
- Phase 3: For states or areas with no evidence of a rebound, but has fewer restrictions than phase two. Even vulnerable individuals would have more freedom, but should still practice social distancing, while others are urged to avoid “crowded environments.”

ANALYSIS

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, 2020, the City of San José activated its Pandemic Management Team and Pandemic Response Plan to increase our preparedness and mitigation practices. The City progressed through all five stages of the plan to the most Extreme Response. As of the day of drafting this memo, there are 1232 cases of COVID-19 infections in the City of San José, with 1870 cases total in Santa Clara County and a total of 73 reported deaths. With county-wide testing capabilities still largely at limited capacity, there have been 18881 total patients tested county-wide, 1887 of those tests are positive results, 16742 negative results and 252 still pending results.

Santa Clara County Public Health remains the lead on the Health Order that terminates on May 3, 2020. At this time, the indication is the Order will be slightly modified, to reduce the restrictions, but the emergency remains. If the Order is completely lifted, a spike in the number of cases and deaths will likely increase. The emergency continues until there is a vaccine developed and widely available, which is projected to be 18 months from now.

The City now begins a journey of recovery to resilience. As the County assesses when to lift the Shelter-in-Place Order, the City must face the “three challenges of now.” The dramatic and ongoing economic challenge is debilitating people's livelihoods, and their well-being has been put at risk by the necessary measures taken on the public health front. Third, the City faces a significant fiscal challenge that we as a city organization addressing to keep the City fiscally healthy to meet the first two challenges.

The City is preparing a plan to progressively monitor the emergency and respond appropriately:

- **Stage 6-Initial Reopening: (No Vaccine)** Highly restrictive shelter-in-place orders begin to ease, begin limited re-entry/re-opening of City services, programs, that were previously shut down.

- **Stage 7-Expanded Reopening: (No Vaccine)** Progressively decreased restrictions to further resume City services, programs, and facilities, moving towards normal operations.
- **Stage 8- Nearly Complete Reopening: (No Vaccine)** Further easing of remaining restrictions, expansion of programs, operations, and movement, resulting in closer to normal conditions. Implementation of future mitigation strategies.
- **Stage 9- Complete Reopening: (Vaccine Scaling)** City functions and operations, businesses and communities return to completed normalcy.
- **Stage 10- New Normal (Prepare for Next Pandemic):** Iterative planning and preparation for the next pandemic.

Until the emergency is over, extending the 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, the City Council must review the need to continue Proclamation of Local Emergency every 60 days until conditions warrant termination. The emergency continues. The City remains under a Shelter-in-Place Order by the Santa Clara County Public Health Officer, until May 3. The Order may be modified. It is not anticipated to be completely lifted, as that could lead to a spike in illness and death rates. The emergency will not be over until a vaccine is available, which is anticipated to be 18 months from now.

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. Staff will return to Council when conditions warrant termination of the local emergency or within 60 days to review the need to continue the local emergency, whichever occurs first.

CLIMATE SMART

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

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PUBLIC OUTREACH

The memorandum will be posted for the May 5, 2020 agenda.

COORDINATION

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

COMMISSION RECOMMENDATION

No commission recommendation or input is associated with this section.

CEQA

Statutory Exempt, Section 15269, Emergency Projects

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

David Sykes
City Manager

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