



Memorandum

**To: RULES & OPEN
GOVERNMENT COMMITTEE**

From: Mayor Sam Liccardo

Subject: SEE BELOW

Date: April 15, 2020

**submitted
electronically*

Approved:

Sam Liccardo

April 15, 2020

SUBJECT: BACK TO WORK, SAFELY: PREPARING A PROTECTED, PRUDENT PATH

RECOMMENDATIONS

Direct the City Manager and City Attorney to return to Council at the earliest opportunity to describe the Emergency Operations Center's response to any of these views under the City Manager's Report, Item 3.1 on the Council Agenda, and agendize for action as necessary:

1. **Testing: Setting the Goal by Defining the Threshold:** Report to the Council each week the results of discussions with the County of Santa Clara—and if necessary, the State of California, local universities, and other public health authorities—about their determination of the quantitative thresholds for surveillance testing and contact tracing required for substantial and safe resumption of economic activity in our region.
 - a. If the modeling to determine those thresholds is not yet underway, commence discussions about how the City might enlist partners that can identify those thresholds to enable good regional decision making.
 - b. Once testing goals are established, communicate with the Mayor's Office, the Valley Medical Center Foundation, the Silicon Valley Leadership Group and other key partners to determine how we can collectively identify private and public resources to meet those testing thresholds.
2. **Ramping Up Contact Tracing:** As the County or other Public Health authority identifies the number of contact tracing teams required to ensure effective identification, isolation, and self-quarantine of future COVID-positive and COVID-exposed individuals, identify the means by which the City can assist to rapidly scale the resources to meet the need, by beginning to:
 - a. Identify City employees whose work is currently deemed "nonessential" under the County order to assist the County in performing contact tracing;

- b. Engage with Silicon Valley Community Foundation and its partners to identify ways in which we can provide employment for thousands of displaced workers on contact tracing teams;
 - c. Work with the Governor's Office and the Mayor's Office of Technology and Innovation to perform outreach within the community to prepare for the deployment of a contact-tracing app, which will likely require a large number of residents to agree to "opt-in" to provide an effective network for contagion mitigation.
3. **Identifying Lower-Risk Occupations:** Identify a team within the Office of Economic Development that will have lead responsibility to work collaboratively with the County to identify specific job categories currently deemed "nonessential," but appear relatively safe to consider as early candidates for a staged reopening of the economy. Staff might give priority to work that (a) typically does not require proximity between workers, such as landscaping, construction, building or park maintenance, and road repair, (b) cannot be performed at home, (c) involves financially vulnerable workers that most critically need a paycheck, and (d) can be safely performed with standardized requirements regarding distancing, safety gear, hygiene, and the like.
4. **Facilitating Construction:** Review the attached "Industry Specific COVID-19 Construction Field Guidelines," issued by the California Building Trades, various member unions, and the Association of General Contractors, along with other guidelines issued by firms such as Suffolk and the Build Group, and evaluate the risks and assurance of safety of those guidelines, in consultation with the County of Santa Clara, and:
- a. Identify preparatory steps the City can take now to ensure enforcement of those and other guidelines, to enable substantially broader categories of construction activity to safely resume. For example, contractors might be required to file a plan with the City, and by encouraging their action now, we can clear the way when the rules are loosened.
 - b. Identify steps that will address the County of Santa Clara's reasonable concerns that (a) such construction activity will not divert needed PPE from front-line healthcare workers, and (b) such activity will not increase proximate social interaction in other venues, such as convenience stores or coffee shops.
5. **Clarifying State Authority:** Direct the City Attorney to review the Governor's March 19, 2020 Executive Order, and to render an opinion to the Council in closed session about whether broader categories of construction can move forward under the Governor's Executive Order, with additional safety precautions.
6. **Clearing Backlogs:** Return to Council with clear metrics that identify extent of pre-existing backlogs of inspections, permits, and approvals, and timelines for resolving those backlogs in time for immediate resumption of development and business activity.
- a. Staff should schedule inspections immediately for construction work already performed.

- b. If there is any category of inspections, permit review, or approvals that staff is unwilling to perform that would be preparatory for a greater reopening of the economy and of construction, identify each of those categories at the next Council meeting

DISCUSSION

My sincere gratitude goes to the County of Santa Clara and other Bay Area counties for their timely decisions to jointly issue a stay-home order that has unquestionably saved many lives. The disparity in outcomes between the Bay Area and many other regions in the U.S. battling the scourge of COVID speaks to the wisdom of moving swiftly. We continue to hear preliminary—though not yet conclusive—reports of curve-flattening here at home. Our collective sacrifice has begun bearing fruit.

I have no intention of relaxing our collective efforts. There will be successive “waves” of contagion, and we must continue our vigilance. Enforcement of some variation of stay-home mandates will be necessary for months. Nonetheless, we have reached a moment where we collectively recognize that while the cure is working, a cure applied too long or too indiscriminately will harm the patient. Our food lines have grown rapidly as we’ve seen thousands of families impoverished in this crisis. As they are forced to make choices between food, rent, and medicine, their health and safety is increasingly threatened. In short, we must expand our collective focus from saving lives to saving livelihoods.

Back to Work—Safely

There are categories of work, such as construction, that the public health officers of the Bay Area counties have deemed sufficiently safe and necessary for continued operations under the current mandate. That is, the six-county mandate allows for housing construction where at least 10% of the units are affordable. Obviously, there is no health-based distinction between allowing construction of a housing project at various levels of affordability, or an office or retail or industrial project; if anything, the lower density of appliances and finishings in an office or industrial project should make those job sites inherently safer, because greater distance can be maintained between construction workers.

We should lean in to help the Bay Area counties identify opportunity to move forward carefully, and safely, with broader categories of jobs, such as construction, that will pull thousands of breadwinners out of our food lines, again able to support their families. So, too, with many other occupations that rely on primarily outdoor work with implicitly greater social distancing. We should be able to hold up examples where employers, trade groups, and unions can identify practices and approaches that will enable workers to return to work safely.

Set a Goal

Most public health authorities concur that we should not expect that either an imminent vaccine or herd immunity will fall from the sky to save us, so we need to lean in to determine how we can get people back to work while mitigating the risk of transmission. As we’ve seen in effective

public health protocols deployed in such places as Singapore and South Korea, broad consensus has emerged about the need to rapidly ramp up (a) testing, (b) contact tracing, and (c) isolation and self-quarantine to enable economic activity to safely resume in a world of COVID contagion.

What we critically need from Bay Area public health authorities is the establishment of clear goals for testing and contact tracing that will enable a staged reopening of the economy. [Los Angeles County, for example, has established a target of 10,000 tests per day.](#) We remain at several hundred per day in our own county, and we know that we will need to see testing dramatically ramp up—from public and private labs, hospitals, and other health care providers—to safely reopen more of the economy. Contact tracing will require a deployment of perhaps 300,000 people nationally, according to a team at Harvard epidemiologists working with Bloomberg Philanthropies. Boston is currently getting unemployed residents to work on contact-tracing teams, and our Silicon Valley Community Foundation is working with partners to do the same. [Recent analyses show that contact-tracing apps](#) could substantially accelerate and improve the effectiveness of those contagion mitigation efforts, and we can match local innovators with a team working with Governor Newsom’s office. We will also need to explore how to facilitate large numbers of residents consenting to opt-in to automated contact tracing to make that app successful.

All of this work starts, however, with a goal. Numeric targets enable the development of strategies to meet those goals, but we need staff to report to the Council routinely about where the public health authorities are in that goal-setting process. Then we can support the convening of partners to support that work. One such example is the recent collaboration between Chris Wilder of the VMC Foundation and Carl Guardino of the Silicon Valley Leadership Group. If we set goals and deadlines, Silicon Valley will rise to the challenge. But we need goals first. I look forward to that conversation in the days and weeks ahead.

ATTACHMENT:

Building & Construction Trades Council of California,
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BUILDING TRADES UPDATED BULLETIN

March 20, 2020

COVID-19 Safety Measures on Construction Sites

The following communication is merely a guideline absent a state or federal mandate to close construction sites until the COVID19 outbreak has subsided.

We are sending out this memo to help clarify the current situation affecting Building Trades affiliates, their members, and the construction sites they work on. After speaking to many Business Managers and contractors, the Building Trades suggests the following guidelines when it comes to construction sites where members of Building Trades affiliated unions are working.

This scenario may change because of circumstances beyond our control, but, at this moment, as the coronavirus outbreak continues to spread, Building Trades leaders are working closely with local affiliated unions, project owners, contractors, and public agencies to keep construction sites open and safe. The safety of workers is always of paramount importance, particularly in situations like this.

Contractors and jobsite safety personnel should take specific steps to increase hygiene on the jobsite, such as:

1. Adding sanitary facilities (toilet and hand washing stations with soap and hand sanitizer provided). Workers should both wash their hands with soap for twenty seconds and use hand sanitizer often.
2. Performing deep cleaning on jobsites including disinfecting handrails, doorknobs, equipment handles and tools on an accelerated basis.
3. Instead of having group safety meetings, and to keep the suggested social distance, they should have smaller individual safety meetings at the jobsite maintaining social distancing guidelines.
4. Keep separation of at least 6 feet as feasible while on the job and always during rest and break periods and lunches; there should be no group gatherings.
5. Workers should consider bringing a lunch made at home and stay away from congested lunch trucks and coffee shops. Go directly from work to home and vice versa with as little contact with the general public as possible.
6. Workers should wear and utilize all safety equipment available on the jobsite. Contractors should provide all protective equipment as available.

It is up to us to make the conditions as conducive toward the safety of our members as possible. In addition to the above guidelines, here are the NABTU (North America's Building Trades Unions) and the CPWR (Center for Construction Research and Training) guidelines:

1. If you are sick, stay home and don't show up to work.
2. Don't shake hands when greeting others.
3. Try to stay three to six feet away from others.
4. Avoid sick people.
5. Avoid touching your eyes, nose, or mouth with unwashed hands.
6. Clean your hands often by washing them with soap and water for at least 20 seconds or using a hand sanitizer that contains 60-95% alcohol; soap and water should be used if hands are visibly dirty.

Construction workers often work with gloves outside and typically can work with some distance between each other. And they get paid only when working.

If these guidelines cannot be met and a project is in tight quarters, or in contact with the general public, consideration should be given to shutting the construction project down until safer conditions exist.

We will keep you up to date with the latest information as we get it.

Stay safe, protecting yourself, protects the family members you come home to.