

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE FINDING THE CONTINUED EXISTENCE OF
CONDITIONS OF EXTREME PERIL AND CONTINUING
THE PROCLAMATION OF EXISTENCE OF A LOCAL
EMERGENCY ISSUED BY THE DIRECTOR OF
EMERGENCY SERVICES**

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) 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.

2. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency.
3. In February 2020, the number of cases of COVID-19 in Santa Clara County ("County") increased, causing the County to declare a local health emergency and proclaim a local emergency and the City to gradually increase its Pandemic Response Stage from 1 to 3.
4. By March 4, 2020, the number of confirmed cases of COVID-19 had 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.
5. 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.

6. 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 the City escalated its Pandemic Response Stage from 3 to 4.
7. On March 16, 2020, the Santa Clara County Public Health Officer issued a Shelter in Place Order.
8. On March 31, 2020, the Santa Clara County Public Health Officer issued another Order to Continue Sheltering in Place until May 3, 2020.
9. On April 13, 2020, the City began its planning efforts to shift out of Pandemic Response Stage 5, "Extremely High Response," and into Stage 6, "Initial Re-opening with No Vaccine."
10. On April 15, 2020, Governor Gavin Newsom released information on criteria that will determine when to lift the state's shelter-in-place.
11. On April 16, 2020, President Trump released guidelines for a 3 Phased Approach to Opening Up America Again.
12. On May 4, 2020, the Santa Clara County Public Health Officer extended the Shelter in Place Order to May 31, 2020, with some modifications, and Governor Gavin Newsom announced an update on California's progress toward Stage 2 reopening and updated industry guidance to help drive reopening for some sectors, including retail, manufacturing and logistics, with modifications, beginning May 8, 2020.
13. On May 5, 2020, the Santa Clara County Public Health Officer released information regarding COVID-19 indicators and next steps for reopening.

14. On May 7, 2020, health orders in Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara counties and the City of Berkeley loosened restrictions on construction as well as outdoor activities and businesses, beginning May 8, 2020.
15. On May 18, 2020, the Santa Clara County Public Health Officer announced amendments to the current Shelter in Place Order to allow some businesses to resume operating, with modifications based on significant progress in controlling the spread of COVID-19, and extending the Shelter in Place order until rescinded or modified.
16. On June 5, 2020, the Santa Clara County Public Health Officer issued an update to the Shelter in Place Order, allowing several new categories of businesses and activities to reopen, subject to conditions and limitations, while keeping key restrictions in place, requiring people to stay in their homes except when engaging in certain essential or allowed activities.
17. On July 2, 2020, the Santa Clara County Public Health Officer issued a new Risk Reduction Order that puts in place long-term risk reduction measures, allowing certain additional activities to resume, but also putting in place significant additional containment measures to control the spread of COVID-19, effective July 13, 2020.
18. On July 12, 2020, Santa Clara County was added to the State of California's ("State") Monitoring list, and on July 13, 2020, Governor Gavin Newsom announced that counties on the State's Monitoring List for three consecutive days must close some indoor business operations. In light of the Governor's announcement, Santa Clara County ordered appropriate businesses and operations to close effective July 15, 2020 at 12:01 a.m.

19. On August 28, 2020, Governor Gavin Newsom unveiled a new State framework to replace the former State County Monitoring List and Variance Processes effective Monday, August 31, 2020. This blueprint provided a new color coded four-tier framework, with different restrictions on activity for each tier.
20. On August 31, 2020, a new State framework went into effect with revised criteria for either loosening or tightening restrictions on business-related activities. This "Blueprint for a Safer Economy" creates a tiered system of COVID-19 restrictions that all counties in California must follow.
21. On September 8, 2020, Santa Clara County moved to Tier 2 (Red), per the State's Blueprint for a Safer Economy, which allows for personal care businesses to operate indoor and an increased capacity allotment for specific businesses.
22. On September 30, 2020, the State added a COVID-19 Equity requirement to its Blueprint for a Safer Economy framework. Under this new state requirement, counties with more than 106,000 residents must bring infections down in these places and invest heavily there in testing, contact tracing, outreach and providing means for infected people to isolate. The measure is designed to ensure that test positivity rates in the most disadvantaged neighborhoods do not significantly exceed a county's overall rate. Counties will not be permitted to reopen their economies further unless they reduce coronavirus infections in the hardest-hit places where the poor, African American, Latinos, Pacific Islanders, and essential workers live.
23. On October 13, 2020, as the County's COVID-19 case positivity rate continue to steadily decline, the State authorized the County to move to

Tier Three (Orange Tier) of the State's Blueprint for a Safer Economy, the County revised its Public Health Order on October 14, 2020 to reflect the changes. All Santa Clara County residents and businesses must follow both the State and County Health Officer Orders, and where there is a conflict between the two, the stricter Order must be followed.

24. On October 20, 2020, the City officially moved to Stage 8 - Substantial Reopening of its Pandemic Recovery to Resilience Plan. The City adjusted its response, messaging, and priorities to best suit the needs of the community, adapting to the progressive modifications made by the Office of the Governor and the Public Health Officer to the Shelter-in-Place Order as well as recent reopening guidance.
25. The efforts required to prepare for, respond to, mitigate, and recover from the emergency conditions caused by COVID-19 have imposed and will continue to impose extraordinary requirements and expenses on the City.

WHEREAS, on March 10, 2020, the City Council ratified the Director of Emergency Services' March 6, 2020 proclamation of the existence of a local emergency within the City; and

WHEREAS, on May 5, 2020, the City Council adopted Resolution No. 79502 continuing the proclamation of local emergency; and

WHEREAS, on June 23, 2020, the City Council adopted Resolution No. 79623 continuing the proclamation of local emergency; and

WHEREAS, on August 18, 2020, the City Council adopted Resolution No. 79685 continuing the proclamation of local emergency; and

WHEREAS, on September 22, 2020, the City Council adopted Resolution No. 79728 continuing the proclamation of local emergency; and

WHEREAS, Government Code Section 8630(c) requires that the City Council review the need for continuing the local emergency at least once every sixty (60) days until the governing body terminates the local emergency; and

WHEREAS, the associated emergency conditions are on-going and the emergency should not be terminated at this time; and

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

1. The City Council has reviewed the need for continuing the proclamation of local emergency and finds based on substantial evidence that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19.
2. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of San José.
3. The Director of Emergency Services is authorized to request from the Governor of the State of California assistance including, but not limited to, California Disaster Assistance Act ("CDAA") funding to assist with emergency responses required by and within the City because locally available resources are inadequate to cope with the local emergency.
4. The Director of Emergency Services is hereby directed to report to the City Council within sixty (60) days on the need for further continuing the local emergency.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk