

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 UNTIL TERMINATION**

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, the 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. On November 14, 2020 as COVID-19 cases continue to increase across the country, California Governor Gavin Newsom, Oregon Governor Kate Brown and Washington Governor Jay Inslee issued travel advisories urging visitors entering their states or returning home from travel outside these states to self-quarantine to slow the spread of the virus.
26. On November 16, 2020 just as the County was preparing to return to the Red Tier of COVID restrictions, California Governor Newsom announced that along with most California counties, Santa Clara County would be required to go back to the restrictions of the most severe tier – Purple, in an effort to control the increasingly rapid spread of COVID-19.
27. On November 19, 2020, considering unprecedented, rapid increases in COVID-19 cases across California, Governor Gavin Newsom, and the California Department of Public Health (“CDPH”) announced a limited Stay at Home Order which required that non-essential work, movement and gatherings stop between 10 PM and 5 AM in counties in the purple tier.

28. On November 28, 2020, the Santa Clara County Public Health Officer announced a mandatory directive related to travel which will require people to quarantine for 14 days upon return to the county from travel of more than 150 miles.
29. On December 2, 2020, the Santa Clara County Public Health Officer ordered more restrictions for residents and businesses, which went into effect at 12 a.m. on Monday, November 30 and will stay in effect through December 21, 2020.
30. On December 3, 2020, the State saw that COVID-19 case rates and hospitalizations continue to rise at an alarming pace and threaten to overwhelm the health care delivery system. California health officials announced a Regional Stay at Home Order that will be triggered if hospital Intensive Care Unit capacity drops below fifteen percent (15%) in a given region.
31. On December 4, 2020, the Santa Clara County Health Department, along with four other counties and the City of Berkeley, announced that they would begin the State of California's regional stay-at-home order on Sunday, December 6, at 10 P.M., which will stay in effect until January 4, 2020.
32. On December 11, 2020, the U.S. Food and Drug Administration issued the first emergency use authorization for the Pfizer-BioNTech COVID-19 Vaccine to be distributed in the U.S. Santa Clara County confirmed receiving the first batch of Pfizer's COVID-19 vaccine on December 15, 2020 which will be distributed to people in the highest risk categories.
33. On January 5, 2021, the State required some non-essential and non-life-threatening surgeries to be delayed in counties with ten percent (10%) or

less of Intensive Care Unit (“ICU”) capacity under the Regional State at Home Order where the regional ICU capacity is at zero percent (0%). This health order was amended to provided additional clarification on January 6, 2021.

34. On January 9, 2021, the State extended the Regional State at Home Order, which was originally set to expire on January 8, 2021, due to the region’s ICU bed capacity remaining below fifteen percent (15%). This health order was modified on January 25, 2021.
35. As of February 2021, vaccine distribution efforts are ongoing with the County in the lead and the City providing assistance.
36. On February 25, 2021, Governor Newsom announced a set-aside of at least 10% of vaccines for childcare and K-12 teachers and staff by truing-up local efforts to the 10% minimum through dedicated access to Myturn.gov.
37. On March 2, 2021, Santa Clara County moving into Red Tier of State's Blueprint for a Safer Economy. The County of Santa Clara Health Officer announced that Santa Clara County has met the requirements to move into the red tier and that the County will align with the State’s framework and allow expanded activities to open.
38. On March 4, 2021, Governor Newsom announces statewide vaccine equity plan which would set aside 40 percent of vaccine doses for the hardest hit communities and establish a vaccine equity metric. The plan had a negative impact on the vaccine supply available for Santa Clara County, redirecting vaccines primarily to Southern California. The City has collaborated with the County to continue to prioritize vaccines for the hardest impact areas.

39. On March 4, 2021, Governor Newsom signs Executive Order to extend the commercial eviction moratorium extending authorization for local governments to halt evictions for commercial renters impacted by the COVID-19 pandemic through June 30, 2021.
40. On March 5, 2021, The City of San Jose collaborated with Asian Americans for Community Involvement (AACI) to conduct a vaccination event in the Buena Vista area, targeting vulnerable census tracts with high COVID-19 Positivity Rates and low vaccination rates. This partnership successfully administered 250 vaccinations to vulnerable residents in the area.
41. On March 11, 2021, President Biden signs \$1.9 trillion American Rescue Plan with additional funding for COVID mitigation and response by developing a national vaccination program; increases COVID-19 testing, tracing and treatment; changes employment regulations; and addresses the negative financial impacts of the pandemic.
42. On April 1, 2021, The U.S. Department of Commerce's Economic Development Administration (EDA) announced approval of the City of San José's grant application for the City's Small Business and Manufacturing Recovery Initiative. The \$1.17 Million in CARES Act Recovery Assistance will be managed by the Office of Economic Development and will allow the City of San Jose to provide more support to small businesses and manufacturers in underserved areas hit hardest by the pandemic.
43. On April 1, 2021, Kaiser Permanente and the City of San José opened a new vaccine clinic at the city's Vietnamese American Cultural Center

(VACC). The clinic will provide eligible residents with accessibility to the vaccine, particularly residents in census tracts within a 5 mile radius of the center, who have also been heavily impacted by COVID-19 infections.

44. On April 6, 2021, Governor Newsom announced that by June 15th full statewide reopening date if 1) vaccine supply is sufficient for everyone 16 years and older who want a vaccine, and 2) hospitalization rates are stable and low.
45. On April 10, 2021, the City of San Jose collaborated with Safeway, San Andreas Regional Center, Parents Helping Parents, Healthier Kids Foundation, Silicon Valley Independent Living Center to put on a vaccination event at the San Andreas Regional Center for persons with disabilities and those with other access and functional needs. Successfully administered 300 doses.
46. On April 13, 2021, due the significant increase in vaccine supplies coming in directly to the County of Santa Clara Health System from the Federal government under a program operated by the Federal Health Resources & Services Administration ("HRSA"), the County is opening vaccine eligibility to all individuals age 16 or older who live or work in Santa Clara County.
47. On May 18, 2021, the Santa Clara County Public Health Officer issued a new Public Health Order establishing focused safety measures designed to reduce the spread of COVID-19. The new Order requires employers to determine who in a workplace has been fully vaccinated in order to comply with current and anticipated County and State rules related to COVID-19 safety in the workplace.

48. On May 19, 2021, the new Santa Clara County Public Health Order went into effect when the county entered into the Yellow Tier of the State's Blueprint for a Safer Economy. The new Order replaced the prior restrictions on activities with a few focused requirements related to vaccination, face coverings, and case reporting.
49. On May 26, 2021, Santa Clara County eased local COVID-19 restrictions weeks before the state is set to fully reopen. The limited local health order will:
 - a. Require employers to determine the vaccination status of employees within 14 days.
 - b. Define safety rules for unvaccinated employees or those not eligible for inoculation.
 - c. Require workplaces and schools to continue reporting positive cases to the Santa Clara County Public Health Department.
50. On June 15, 2021, the State of California terminated the color-coded tier system for directing public health operations.
51. On June 17, 2021, Governor Newsom signed an Executive Order expediting Cal/OSHA's revised COVID-19 regulations to ensure consistency with public health guidance based on guidelines issued by the Centers for Disease Control and Prevention regarding face coverings and eliminating physical distancing requirements, except for certain employees during outbreaks.
52. On June 28, 2021, Governor Newsom signed legislation to extend the state's eviction moratorium through September 30, 2021 and provide rental assistance funds.

53. On July 26, 2021, Governor Newsom announced that the State of California is implementing a first-in-the-nation standard to require all state workers and workers in health care and high-risk congregate settings to either show proof of full vaccination or be tested at least once per week, and encouraged all local government and other employers to adopt a similar protocol.
54. On August 2, 2021, due to the delta variant spike in case numbers and hospitalizations, eight Bay Area Health Officers, including Santa Clara County, issued Health Orders requiring face coverings indoors in public places, regardless of vaccination status, beginning August 3, 2021.
55. On August 10, 2021, the re-opening of City Hall with additional staff was postponed. Given masking and vaccination mandates and social distancing recommendations, a pause in the return to onsite work was warranted until the Delta variant (and other variants of concern) trajectories are better understood and the City has completed employee vaccination and testing policy compliance by September 30, 2021.
56. On August 16, 2021, the City's Emergency Operations Center ("EOC") was reactivated at Level IV (lowest level) to support coordination with the County for vaccination support, monitoring conditions, and preparing staff for potential additional response.
57. On August 24, 2021, the City Council adopted an Urgency Ordinance requiring all attendees and staff at events at City facilities, such as the SAP Arena, Convention Center, and Center for Performing Arts, to demonstrate proof of vaccination prior to entry in a gathering of any substantial size, such as 50 or more persons.

58. On September 7, 2021, the EOC activation was increased to Level III to enhance monitoring capabilities, facilitate coordination between departments, and prepare for increased vaccination clinic activities.
59. On September 21, 2021, the City Council approved the COVID-19 Recovery Task Force membership to work with the community to “think about the future” as it relates to two key areas: 1) stabilizing and strengthening families, and 2) supporting small businesses.
60. 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, on November 17, 2020, the City Council adopted Resolution No. 79791 continuing the proclamation of local emergency; and

WHEREAS, on January 12, 2021, the City Council adopted Resolution No. 79860 continuing the proclamation of local emergency; and

WHEREAS, on March 2, 2021, the City Council adopted Resolution No. 79912 continuing the proclamation of local emergency; and

WHEREAS, on April 27, 2021, the City Council adopted Resolution No. 79979 continuing the proclamation of local emergency; and

WHEREAS, on June 22, 2021, the City Council adopted Resolution No. 80111 continuing the proclamation of local emergency; and

WHEREAS, on August 17, 2021, the City Council adopted Resolution No. 80180 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, however the Gubernatorial Declaration of Emergency waives the 60-day renewal requirement and the City Council may extend the local emergency until such time as conditions warrant termination; and

WHEREAS, the associated emergency conditions are on-going and the emergency should not be terminated at this time and if approved, the extension will be in effect until staff returns to City Council to request termination of the local emergency;

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 at such time as conditions warrant termination of the local emergency.

ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk