



## **CITY COUNCIL STAFF REPORT**

### **MEETING DATE: May 6, 2020**

PREPARED BY: Donald Larkin, City Attorney  
APPROVED BY: City Manager

## **REVIEW THE NEED TO CONTINUE THE LOCAL EMERGENCY DUE TO COVID-19 RESPONSE AND SHELTER-IN-PLACE ORDERS**

### **RECOMMENDATION(S)**

Review current conditions and continue the March 13, 2020 emergency proclamation due to pandemic response.

### **COUNCIL PRIORITIES, GOALS & STRATEGIES**

#### **Ongoing Priorities**

Enhancing Public Safety  
Preserving and Cultivating Public Trust  
Advancing Regional Initiatives

#### **2020-2021 Strategic Priorities**

Financial Sustainability

### **REPORT NARRATIVE:**

On Friday, March 13, 2020, the City Manager/Director of Emergency Services proclaimed a local emergency due to global pandemic (Attachment 1). This proclamation was ratified by the City Council on March 18, 2020 (Attachment 2). Under Government Code section 8620, the Council is required to review the need for continuing the local emergency at least once every 60 days until the emergency is terminated.

The respiratory illness known as COVID-19 has spread to every continent except Antarctica and there are known cases in more than 100 countries. COVID-19 spreads easily through human contact, and can cause severe symptoms for vulnerable populations, particularly older adults, and individuals with underlying chronic health conditions.

#### **Chronology of Emergency Declarations**

- January 30, 2020, in response to the rapid spread of COVID-19, the World Health Organization (WHO) declared a public health emergency of international concern.
- January 31, the United States Secretary for Health and Human Services declared a public health emergency in the United States.
- February 10, Santa Clara County proclaimed a local emergency.
- March 4, Governor Newsom declared a statewide emergency.

- March 9, the Santa Clara County Public Health Department issued an order prohibiting mass gathering of over 1000 people, along with other recommendations.
- March 11, WHO declared a global pandemic.
- March 13, the President of the United States declared a national emergency.
- March 13, Santa Clara County public health officials issued orders limiting gatherings of 35 people or more. At the same time, the County Office of Education announced that all public schools would be closed for three weeks.
- March 13, the City Manager/Director of Emergency Services proclaimed a local emergency.
- March 16, Santa Clara County public health officials issued shelter-in-place orders throughout the County.
- March 18, the City Council ratified the proclamation of local emergency.
- March 31, Santa Clara County public health officials extended the shelter-in-place orders through May 3, 2020.
- April 1, the City Council confirmed its ratification of the local emergency.
- April 27, Santa Clara County public health officials announced that the shelter-in-place orders will remain in effect through the month of May.

#### Local Emergency Considerations

Staff recommends continuing the local emergency throughout the shelter-in-place orders. Efforts to reduce the spread of the virus will result in the disruption of City programs and services. These conditions will continue to be beyond the control of the personnel, equipment, and facilities of the City. In addition, further spread of the virus threatens to impact our provision of essential services.

As a part of our proclamation of a local emergency, Council provided a temporary delegation of authority to the City Manager to waive local purchasing requirements; increase the City Manager's contracting authority to \$150,000; and recognized that certain deadlines, including requirements under the Public Records Act and Permit Streamlining Act, will not be met.

Any actions taken under this increased authority will be brought to the City Council for ratification at the time the emergency is ended.

#### **COMMUNITY ENGAGEMENT: Inform**

City staff took action to inform residents and businesses of the existence of a local emergency at the County and City level and is educating the community about available resources.

#### **ALTERNATIVE ACTIONS:**

The Council could decide to end the local emergency.

#### **FISCAL AND RESOURCE IMPACT:**

The fiscal impact of the local emergency is unknown at this time. Proclamation of a local emergency may make the City eligible for emergency funds, but it is premature to know whether any funds will be made available.

**CEQA (California Environmental Quality Act):**

Not a Project: Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy, and procedure making (except where the policies and procedures may result in a change to the physical environment).

Specific actions taken under the emergency proclamation may be subject to separate CEQA exemptions. No such actions are currently being proposed. In the event any actions are taken that could result in a change to the physical environment, those actions will be evaluated separately.

**LINKS/ATTACHMENTS:**

1. Proclamation of Emergency 03-13-20
2. 20-019 Proclamation of Emergency- COVID-19
3. 08 Presentation