



## OFFICE OF THE CITY CLERK

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## CITY COUNCIL STAFF REPORT

Meeting: March 17, 2020

### Subject

Ratification of a proclamation of local emergency related to COVID-19.

### Recommended Action

Adopt a resolution ratifying the Director of Emergency Services' proclamation on March 11, 2020 of the existence of a local emergency resulting from community spread of the coronavirus, also known as COVID-19.

### Background

Ratification of the Director of Emergency Services' (City Manager's) 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.

The facts that led up to the Director of Emergency Services' proclamation of a local emergency on March 11, 2020 are outlined below, along with additional developments that have occurred since the March 11 proclamation:

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) considered the virus to be a very serious public health threat with outcomes ranging from mild sickness to severe illness and death.
2. 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.

3. On January 31, 2020, the first case of COVID-19 was confirmed in the County of Santa Clara ("County").
4. On February 3, 2020, the County Health Officer determined that there is an imminent and proximate threat to public health from the introduction of COVID-19 in the County and issued a Declaration of Local Health Emergency. At the same time, the County Director of Emergency Services declared the existence of a Local Emergency in the County.
5. On February 10, 2020, the County Board of Supervisors ratified and extended the Declaration of a Local Health Emergency and the Proclamation of a Local Emergency.
6. 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.
7. 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 as a result.
8. By March 6, 2020, the number of confirmed cases of COVID-19 had increased to twenty-four (24) in the County, with strong evidence of increasing community spread.
9. By March 9, 2020, the number of confirmed cases of COVID-19 had increased to forty-three (43) in the County. On March 9, 2020, the County of Santa Clara Public Health Department announced the first death from COVID-19 in the County. The County Health Officer imposed a countywide moratorium on mass gatherings of 1,000 or more persons to mitigate the spread of COVID-19.
10. On March 10, 2020, the County Board of Supervisors again ratified and extended the Proclamation of a Local Health Emergency.
11. On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic.<sup>1</sup>

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<sup>1</sup> World Health Organization Coronavirus disease 2019 (COVID-19)  
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12. By March 12, 2020, the number of confirmed cases of COVID-19 had increased to seventy-nine (79) in the County.
13. On March 13, 2020, President of the United States Donald Trump proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020. In addition, the County Health Officer imposed a countywide moratorium on gatherings of more than 100 persons and a conditional moratorium on gatherings of between 34 and 100 persons to mitigate the spread of COVID-19.
14. By March 14, 2020, the number of confirmed cases of COVID-19 had increased to one-hundred fourteen (114) in the County.
15. As of March 15, 2020, COVID-19 has spread globally to over 140 countries, infected more than 150,000 people, and killed more than 5,000 individuals.<sup>2</sup>
16. On March 16, 2020, seven Bay Area Public Health Officers, including the Officer for Santa Clara County, issued a regionwide order directing all individuals living in the County to shelter at their place of residence, with certain exceptions.
17. The efforts required to prepare for, respond to, mitigate, and recover from the emergency conditions caused by COVID-19 have imposed or will impose extraordinary requirements and expenses on the City.

### Analysis

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. As of March 15, 2020, COVID-19 has spread globally to over 140 countries, infected more than 150,000 people, and killed more than 5,000 individuals. COVID-19 has severely impacted people, businesses, schools, and critical services worldwide. On March 9, 2020, Santa Clara County confirmed a total of 43 COVID-19 infections and alerted local jurisdictions of community spread. The County also expanded its guidance for employers

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[https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200311-sitrep-51-covid-19.pdf?sfvrsn=1ba62e57\\_4](https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200311-sitrep-51-covid-19.pdf?sfvrsn=1ba62e57_4)

<sup>2</sup> World Health Organization Coronavirus disease 2019 (COVID-19)  
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[https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200315-sitrep-55-covid-19.pdf?sfvrsn=33daa5cb\\_8](https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200315-sitrep-55-covid-19.pdf?sfvrsn=33daa5cb_8)

and businesses to reduce the risk of infection and spread of COVID-19. By March 14, 2020, the number of confirmed cases of COVID-19 had increased to one-hundred fourteen (114) in the County. On March 16, 2020, seven Bay Area Public Health Officers, including the Officer for Santa Clara County, issued a regionwide order directing all individuals living in the County to shelter at their place of residence, with certain exceptions.

Based on the County's infection case reports and expanded guidance and recommendations, the City determined that a large part of its workforce and resident population are at risk of contracting COVID-19. COVID-19 will also impact the City's ability to conduct business and programs, as infection containment and mitigation measures will result in the reduction or adjustment of meetings, public gatherings, City programs, City Council meetings and other operations that cannot be easily or immediately automated or executed remotely.

Due to the risk of prolonged impacts a COVID-19 outbreak could have on employees, residents, businesses, and operations, the City faces:

- Potential disruptions in service delivery.
- Impacts on revenue from event cancellation, and social distancing accommodations.
- Costs associated with workplace modification accommodations.
- Employee absenteeism.

A 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 Cupertino Municipal Code and the California Government Code, the Director of Emergency Services' Proclamation of a Local Emergency must be ratified by the City Council within seven days or the proclamation shall have no further force or effect. Ratification of the Proclamation of Local Emergency allows the City to exercise emergency police powers, such as evacuation; immunity for emergency actions; authorization of issuance of orders and regulations; activation of preestablished emergency provisions; and is a prerequisite for requesting state or federal assistance.

The need to continue the local emergency will be brought before the Council for review every 60 days until conditions warrant termination, as required by law.

Sustainability Impact

None.

Fiscal Impact

To be determined.

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Prepared by: Kirsten Squarcia, City Clerk

Reviewed by: Katy Nomura, Assistant to the City Manager

Approved for Submission by: Dianne Thompson, City Manager

Attachments:

A – Draft Resolution

B – Proclamation of Local Emergency

C – Coronavirus disease 2019 (COVID-19) Situation Report – 55

D - Coronavirus disease 2019 (COVID-19) Situation Report – 51