

## **RESOLUTION NO. 20-028**

### **A RESOLUTION OF THE CUPERTINO CITY COUNCIL RATIFYING AND CONTINUING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES**

WHEREAS, the Emergency Services Act, Government Code section 8630, and section 2.40.060 of the Cupertino Municipal Code empower the Director of Emergency Services (City Manager or Designee) to proclaim the existence or threatened existence of a local emergency if the Council of the City of Cupertino ("City") is not in session, and require 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 Sections 8680.9 and 8558(c), 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.
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>
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; and

**WHEREAS**, the City Council does hereby find that the above described conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency in the City on March 11, 2020 and establish that the emergency conditions are ongoing; and

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<sup>1</sup> World Health Organization Coronavirus disease 2019 (COVID-19)  
Situation Report – 51

[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)  
Situation Report – 55

[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)

**WHEREAS**, California Government Code, Title 2, Division 1, Chapter 7.5 - California Disaster Assistance Act (CDAA) allows that with the Proclamation of a Local Emergency the City may seek financial assistance and may request reimbursement of the significant expenses incurred during response, if approved by the Director of the California Office of Emergency Services or Concurrence or Governor's Proclamation; and

**WHEREAS**, on March 11, 2020, the Director of Emergency Services issued a proclamation declaring the existence of a local emergency within the City; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of Cupertino that:

1. The Proclamation of Existence of a Local Emergency, as issued by the Director of Emergency Services on March 11, 2020, is hereby ratified and confirmed.
2. The City Council has reviewed the need for continuing the declaration 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.
3. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Cupertino, and until such time, the City Council shall review, until the local emergency is terminated, the need for continuing 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.
5. During the existence of said local emergency, the powers, functions and duties of the Director of Emergency Services and the emergency organization of the City shall be those prescribed by state law, by

Ordinances and Resolutions of the City, and by the City of Cupertino Emergency Operations Plan.

6. City staff is hereby authorized and directed to take any action that may be necessary or convenient to assist in obtaining federal, state or regional disaster/ emergency relief funding.
7. The City Manager or her designee is hereby designated as the authorized representative of the City of Cupertino for the purpose of receipt, processing and coordination of all inquiries and requirements necessary to obtain county, state or federal relief assistance.
8. The Director of Emergency Services or his/her designee shall forward a copy of this resolution to the Governor, to the California Office of Emergency Services, to the Santa Clara County Office of Emergency Management, and to all other appropriate county, state and federal agencies with an interest therein.
9. City staff is hereby authorized and directed to take any and all actions that they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this Resolution.
10. As provided in Cupertino Municipal Code section 2.40.060 and Government Code section 8634, the Council hereby reaffirms that the Director of Emergency Services is authorized to promulgate orders and regulations necessary to provide for the protection of life and property during the existence of this local emergency. Such orders and regulations shall be in writing and shall be given widespread publicity and notice. The City Council hereby recognizes that it is not practicable to have the City Council confirm such regulations and orders during a countywide shelter in place order.
11. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Cupertino this 17th day of March, 2020, by the following vote:

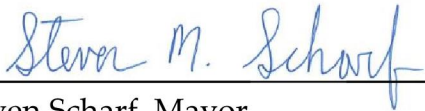

Vote                      Members of the City Council

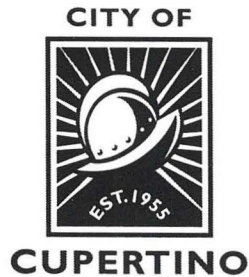
AYES:                      Scharf, Paul, Chao, Sinks, Willey

NOES:                      None

ABSENT:                      None

ABSTAIN:                      None

<p>SIGNED:</p> <p></p> <p>_____ Steven Scharf, Mayor City of Cupertino</p>	<p><u>3/19/2020</u> Date</p>
<p>ATTEST:</p> <p></p> <p>_____ Kirsten Squarcia, City Clerk</p>	<p><u>3/19/20</u> Date</p>



# *Proclamation*

**WHEREAS,** Cupertino Municipal Code Section 2.40.060 empowers the City Manager, as the Director of Emergency Services, to proclaim (subject to ratification by the City Council within seven days) the existence or threatened existence of a local emergency when the City is affected or likely to be affected by public calamity and the City Council is not in session; and

**WHEREAS,** the Director of the Emergency Services of the City does hereby find 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 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").
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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 a pandemic.

**WHEREAS,** The above facts give rise to conditions of extreme peril to the safety and health of persons within the City.

**WHEREAS,** These conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

**WHEREAS,** The efforts required to prepare for, respond to, mitigate, and recover from the increasing spread of COVID-19 have and will continue to impose extraordinary requirements and expenses on the City, requiring diversion of resources from day-to-day operations; and


**WHEREAS,** The City Council of the City of Cupertino is not in session and cannot immediately be called into session.

**THEREFORE,** It is hereby proclaimed that a local emergency now exists throughout the City; and


**IT IS FURTHER PROCLAIMED AND ORDERED,** that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, by ordinance, and resolutions of this City; and that this emergency proclamation shall expire in seven (7) days after issuance unless confirmed and ratified by the City Council of the City of Cupertino.

DATED this 11<sup>th</sup> day of March, 2020.

BY:

  
Deborah Feng  
Director of Emergency Services  
City of Cupertino

ATTEST:

  
Kirsten Squarcia  
City Clerk  
City of Cupertino