

# MEMORANDUM

Office of the City Manager



**DATE:** October 7, 2020  
**TO:** Mayor and Council  
**THROUGH:** Steve McHarris, City Manager *Steve McHarris*  
**FROM:** Ashwini Kantak, Assistant City Manager *Ashwini Kantak*  
**SUBJECT:** Novel Coronavirus/COVID-19 Update #25

**The health of our employees, residents, and businesses remains the highest priority for the City of Milpitas.**

## **Overview:**

The City of Milpitas continues to implement its response to the outbreak of the novel coronavirus and the COVID-19 disease in Santa Clara County, in collaboration with the Santa Clara County Department of Public Health. The previous Council update on September 25 discussed updates to State Legislation and Funding related to the halting of evictions for commercial renters impacted by COVID-19. As part of the County's continuing commitment to the health of essential workers, the Community Health & Business Engagement Team (CHBET) also began canvassing this month and members have visited more than 3,300 businesses and spoken with nearly 1,400 unique workers. Additionally, the County announced an improved portal for test information with sign-ups available seven days in advance.

As the lead agency on public health, the County is regularly updating its guidance, which is available in five different languages and can be viewed [here](#). The County also has a [data dashboard](#) that is updated with all the latest information. The City continues to work closely with the County to ensure the safety and security of our community.

## **Key Updates:**

### **Congressional Legislation**

On October 1, the House passed the updated [Heroes Act](#), which is the sixth piece of comprehensive legislation to respond to the coronavirus pandemic. The \$2.2 trillion legislation includes strong support for small businesses, improving the Paycheck Protection Program and delivering targeted assistance to restaurants, nonprofits, and event venues; additional assistance for airline industry workers; and more funds to bolster education and childcare.

Governor Newsom said that the bill's \$436 billion in assistance for state, local, territorial and tribal governments, if provided by October 15, would help California avoid difficult reductions in the 2020-21 fiscal year. Such assistance would allow California to rescind cuts to public education, higher education, teacher training, housing and the state's judicial system. It could also allow us to preserve jobs and continuity of operations in core government services such as public health, public safety and public education.

## State Legislation

On September 30, Governor Gavin Newsom took action on a number of legislative priorities enacting protections for Californians in light of the COVID-19 pandemic and economic crisis. Some of these bills replace certain executive orders entirely. Legislation has superseded the following executive orders, which have no further force or effect as of that legislation's effective date:

- Executive Order [N-51-20](#) (paid sick leave) – superseded by [AB 1867](#)
- Executive Order [N-62-20](#) (workers' compensation) – superseded by [SB 1159](#)
- Executive Order [N-64-20](#) and Executive Order [N-67-20](#) (elections) – superseded by [AB 860](#) and [SB 423](#)

## County Updates

### *Risk Reduction Order*

On October 5, the County of Santa Clara Public Health Officer issued a Revised Risk Reduction Order, which will go into effect when the County moves into the State's Tier 3 (the Orange Tier). Under the Revised Risk Reduction Order, all businesses in the County will be allowed to operate so long as the State order allows them to operate, including indoor dining and indoor gatherings. The earliest target date for the County is October 13 with an implementation date of October 14, if data continues to be stable.

The fact that an activity is allowed does not mean it is safe. COVID-19 continues to pose a serious risk to our residents. All residents are urged to be cautious, stay home when possible, minimize interaction with anyone outside their household, maintain social distance, wear a face covering, and move activities outdoors when possible. As long as Santa Clara County is in Tier Two (Red), all Tier Two restrictions will apply. As always, 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.

All County businesses and activities are allowed to resume following the State Blueprint for a Safe Economy to the extent allowed under the Orange Tier. Once the County moves to the Orange Tier, only the following business and activities will have more restrictive sector guidance than the State model:

- Outdoor gatherings of up to 200 people and indoor gatherings of up to 25% capacity or 100 people (or to the capacity allowed by the County's Risk Reduction Order, whichever is stricter).
- Indoor dining up to 25% capacity or 100 people (or to the capacity allowed by the County's Risk Reduction Order, whichever is stricter).

To ensure alignment with the State's Orange Tier, the Health Officer will issue further modifications to various other directives before the County moves into the Orange Tier. The local risk reduction order is meant to unify and align the response framework with the State's and to minimize public confusion and provide relief to the community. Significant changes will only occur after Santa Clara County enters Orange Tier.

More information on the order is available in the [Executive Summary](#) and [Revised Risk Reduction Order](#). To read about the State framework, visit [covid19.ca.gov](https://www.covid19.ca.gov). For additional guidance on the local public health order and directives, please visit [www.sccgov.org/coronavirus](https://www.sccgov.org/coronavirus).

### *School Reopening*

While County Public Health officials have established a number of requirements and recommendations to help guide safe school reopening, the decision about whether and when to open is up to individual schools and school districts. On September 22, school leaders discussed reopening issues and plans at a Special Hearing of the Santa Clara County Board of Supervisors. Dr. Mary Ann Dewan, County Superintendent of Schools, shared that schools in Santa Clara County are in various stages of offering in-person instruction (information from a survey of district superintendents is below). It was discussed that some of the factors schools must consider when determining whether and how to open, including the ability to implement Public Health requirements, the accessibility of testing, and the capacity to manage positive cases in school settings. A panel of education leaders and educational support organizations discussed these and other issues related to education in the context of COVID-19. To view the video of the hearing see [here](#) (the schools presentation begins at 6:13:20).

### *Pop-Up Testing*

The County of Santa Clara's Valley Medical Center continues to offer COVID-19 diagnostic testing at additional locations with appointment-based and drop-in testing. A Pop-Up Testing is scheduled for Monday, October 19 at the Milpitas Sports Center. Appointments will open for scheduling seven days before the testing date, schedule your appointment [here](#).

### City of Milpitas Updates

#### **Food Service Delivery Fees**

During the past seven months of COVID-19, local restaurants have increasingly relied on third-party delivery services to keep their businesses viable. However, many restaurateurs are finding that they are charged high fees per order by third-party service providers, which makes it difficult to retain profits. Staff is collaborating with the City Attorney's Office on a temporary Urgency Ordinance that would set a service delivery cap to help local restaurants maximize their share of the profits and their chances of surviving this challenging time. The City Council will consider this action at the Tuesday, October 20, 2020 meeting.

#### **New Social Distancing Protocol**

Under the Revised Risk Reduction Order, all businesses must complete a new Social Distancing Protocol using the [revised webform](#) that will be made available soon. Businesses must complete their revised Social Distancing Protocols within 14 days of when the Order takes effect. In addition to the new Social Distancing Protocol, all businesses are required to allow teleworking (if possible) and if an employee is confirmed to be positive for COVID-19, they must report the information to the Public Health Department within four (4) hours.

#### **Second Harvest Food Bank (SHFB)**

The SHFB Distribution Site at the Milpitas High School continues to serve every 1<sup>st</sup> and 3<sup>rd</sup> Saturday of each month. The site has reached its maximum number of household distribution capacity at 850 households. This site continues to service approximately 80% Milpitas residents. Households needing support beyond the 850 capacity will be referred to other local sites to ensure families have food access. This site partnership between the City, SHFB and the Milpitas Unified School District (MUSD) is in place through December 2020.

### **Aquatic Fitness Program**

The Milpitas Sports Center aquatic fitness programs were partially re-opened on Monday, October 5. Original plans to re-open on October 1 were postponed due to unhealthy air quality levels in Milpitas due to the Glass Fire. The Sports Center lap swimming and water exercise classes are scheduled for 3 days a week and varying times during the day. To accommodate those who are working, the center is always open on Saturdays. These programs are operating under the County and State guidelines for outdoor pools which includes new protocols such as but not limited to:

- Limited capacity in both swim lane and aquatic classes
- Use by pre-reservation only
- Health Screening questions prior to entering facility
- No locker room or shower access

### **Employee Health Check App Gets Updated**

Employees entering City facilities are required to complete the Employee Health Check App prior to their visit to any City facility. The Employee Health Check App contains 4 easy questions, that prompts employees to review their own health symptoms and possible exposures to help determine if the employee should stay home to avoid the potential spread of COVID-19. This Employee Health Check App has been recently refined to provide additional clarification so a more accurate assessment by staff can be made.

## **Milpitas Response and Preparations**

The City of Milpitas continues to operate at Stage 5 (Extremely High Response) of our Pandemic Management Plan. Operating at Stage 5 translates into the suspension of all non-essential City programs and services, the closure of City facilities, and full activation of the City's Emergency Operations Center (EOC).

Our City's response will enable us to fulfill the four priorities of our Pandemic Response Plan:

1. **Protecting Our People:** Ensuring the safety and well-being of our employees.
2. **Continuity of Essential City Operations:** Sustaining delivery of critical City services.
3. **Effective Communication:** Ensuring timely and consistent communication internally with our employees and externally with our community.
4. **Support the Santa Clara County Public Health Department:** Provide resource and communication support to assist the County Public Health Officer, the County, and all our partners in mutual commitment to protect the people of our communities.

### **Current Status on City Services and Operations:**

All City facilities are closed to the public until further notice. The Office of Emergency Services continues to operate the Emergency Operations Center (EOC) at a full activation level.

- **Police Department Public Lobby:** The Milpitas Police Department lobby is open during business hours, 8 AM to 5 PM. Supplemental safety measures are in place to ensure the safety of our staff and visitors. Community members can contact the non-emergency number (408-586-2400) for any further questions.
- **Public Meetings:** Starting with the October 6 City Council meeting, live, audio-only comments at public meetings was introduced. This was based on requests from the Council and community. The majority of Board, Commission, and Subcommittee meetings are transitioning to this new format to engage live public participation. The public may livestream the meeting on the City's [Website](#), [Facebook](#), and [YouTube channel](#) if not able to attend the live virtual meeting.
- **City Employees:** The City is continuing to have employees work in person or remotely on essential services and other City functions. City staff has developed a self-check protocol that enables the safety of all employees. The protocols apply to all employees who are regularly coming to work to perform an essential service and may interact with the community or with other employees. Each City Department is responsible to coordinate the process for their respective employees. The self-check protocols are based on guidance from the Center for Disease Control and Prevention and will be updated according to any changes to CDC guidance.
- **Permit Center and Inspection Services:** Although the Permit Center located at City Hall is closed for in-person services, staff continues to provide permit and plan review services via email, website information, telephone, and tele or web conferencing. All construction is currently allowed in Santa Clara County. However, construction activities must implement mandatory risk reduction measures, and comply with the [Mandatory Directive for Construction Projects](#). For detailed City service descriptions, refer to the latest [Permit Center and Inspection Services Information Flyer](#).

- **Recreation and Community Services:** All community programs and gatherings remain cancelled until further notice, including private rentals in City facilities and park picnic areas. The Senior Center remains closed for programming. The center offers “to-go” lunches, as a continuation of its Senior Nutrition Lunch Program.
- **Other City Services:** Water, sewer, stormwater, and traffic signal operation services continue to operate at normal levels. Staff also continues to provide maintenance services for facilities, fleet, parks, enhanced cleaning for some City facilities, emergency services for trees and streets, and Underground Service Alert services for construction projects that are allowed under the County order. Staff continues to work with Milpitas Sanitation to ensure adequate staffing is available for solid waste collection in the City. Public Works staff are also working to ensure compliance with local, state, and federal regulations for all public works services. The City has established a virtual Utility Call Center from employees’ homes to ensure continuity of services. Meter reading staff will continue to respond to water service calls and maintain the City’s meter reading schedule.
- **Volunteers:** The City's Milpitas Volunteer Program (MVP) continues to recruit volunteers for various community support efforts during the COVID-19 pandemic. Community members looking to register as a volunteer and receive regular monthly updates on local volunteer needs can [visit our volunteer page](#).

**Public Information:**

The City will continue to update its [COVID-19 webpage](#) that has been established specifically for information about coronavirus. We will also be providing regular public updates through our social media accounts on Facebook, Nextdoor, and Twitter.