March 20, 2020

Santa Clara County Board of Supervisors
Sara H. Cody, Health Officer of the County of Santa Clara
C/O Jeffrey V. Smith, Santa Clara County Executive Officer
County of Santa Clara
70 West Hedding Street
San Jose, CA 95110

SUBJECT: Conformity to State of California’s Stay-at-Home Order

On behalf of the Associated General Contractors of California and our over 1,000 member companies, we would like to thank you for your efforts to slow the spread of COVID-19.

As you know, On Thursday, March 19th, Governor Gavin Newsom issued a statewide Stay-at-Home Order in response to the continued spread of COVID-19 (Coronavirus) across the state. In his order, the governor directs all Californians to stay at home, except “as needed to maintain continuity of operations of the federal critical infrastructure sectors.”

To avoid further confusion within the construction industry, and ensure consistency with the Governor’s order relative to exempting ongoing construction activity across the state, we ask that the County of Santa Clara provide clarity, and amend its emergency order and directive if necessary to align with the state order consistent with the Governor’s order, his list of “Essential Critical Infrastructure Workers,” and Cybersecurity and Infrastructure Security Agency (CISA) Guidance on Essential Critical Infrastructure Workers During COVID-19 published on March 19th linked below, and support these critical functions relative to identifying staff to ensure that inspection and permitting activities at the local level that are available to keep construction activity moving forward.

As issued by Governor Newsom with accompanying guidance from CISA, all ongoing construction, including public works and housing construction, is listed as an essential need during this crisis. Your county’s clarification will allow the construction industry to continue working on critical infrastructure improvements essential during this time, including hospital construction and upgrades, building schools, improving logistics capacity, and ensuring our roads and bridges are safe for first responders.

The clarifying document from the Governor states, “Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction)” are considered essential critical infrastructure workers. The clarifying documents from the CISA also state, “The attached list identifies workers who conduct a range of operations and services that are essential to continued critical infrastructure viability, including staffing operations centers, maintaining and repairing critical infrastructure, operating call centers, working construction, and performing management functions, among others. The industries they support represent, but are not necessarily limited to, medical and healthcare, telecommunications, information
technology systems, defense, food and agriculture, transportation and logistics, energy, water and wastewater, law enforcement, and public works.”

Additionally, we ask you to confirm that appropriate staffing is available in your divisions related to permitting and inspection of both private development/construction and public works. As local government agencies seek to comply with the “shelter in place” orders, there are some significant challenges with access to permitting and inspection services to maintain project progress, as well as a lack of clarity on who to contact in local government agencies for clarity on the importance of a project. We would ask that each municipality designate appropriate local officials from the public health department, planning, and building departments. By designating officials and providing contact information, construction firms can continue to work on important construction jobs and ensure that they have access to the county inspectors and permit authorities necessary to maintain job progress during this crisis.

The construction industry is rising to the call and absolutely stands with Governor Newsom and will continue to comply with COVID-19 guidelines in addition to our normal safety and health protocols in accordance with Cal-OSHA. The Governor has outlined essential infrastructure that is necessary to support this effort and ensure the resiliency of our state and we encourage the County of Santa Clara to stand with the Governor and his plan for California to meet this moment.

Sincerely,

Kate Mergen
AVP, Government Affairs
Associated General Contractors of California