March 24, 2020

The Honorable London Breed  The Honorable Libby Schaaf
Mayor, City and County of San Francisco  Mayor, City of Oakland
City Hall, Room 200  1 Frank H Ogawa Plaza
1 Dr. Carlton B. Goodlett Place  Oakland, CA 94612
San Francisco, CA 94102

The Honorable Sam Liccardo  The Honorable Candace Andersen
Mayor, City of San Jose  Contra Costa County Board of Supervisors
200 E Santa Clara Street  309 Diablo Road
San Jose, CA 95113  Danville, CA 94526

The Honorable Cindy Chavez  The Honorable Katie Rice
Santa Clara Board of Supervisors  Marin County Board of Supervisors
70 West Hedding Street, 10th Floor  3501 Civic Center Drive, Suite
329 San Jose, CA 95110  San Rafael, CA 94903

The Honorable Warren Slocum  The Honorable Richard Valle
San Mateo County Board of Supervisors  Alameda County Board of Supervisors
400 County Center  1221 Oak Street, # 536
Redwood City, CA 94063  Oakland, CA 94612

The Honorable Norman Yee
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

SENT VIA E-MAIL
Re: Construction as an “Essential” Service

Dear Mayor Breed, Mayor Liccardo, Mayor Schaaf, Supervisor Andersen, Supervisor Chavez, Supervisor Rice, Supervisor Slocum, Supervisor Valle and Supervisor Yee:

Let me begin by wishing you, your families and your constituents well in this time of crisis. These are unprecedented times but I am confident we have the resolve as a region to overcome whatever challenges come our way.

I would also like to thank you for your leadership in taking prompt and decisive action to protect our region from this pandemic. I am proud that our political and civic leaders and our residents have taken this threat seriously and are taking the necessary actions to prevent its rapid spread thereby reducing the impacts on our healthcare system that are sure to come.

As you know, 48 hours after the 6 Bay Area Counties issued their order, Governor Gavin Newsom followed your lead and issued a similar statewide order. All State residents who are not engaged in an essential activity or employed by an essential industry have been ordered to stay at home and practice social isolation, safe distancing and strict handwashing and other protective protocols. We believe this is the correct course of action and fully support the order.

I am writing to you with an urgent request. As you know there are some differences between the Governor's order and those issued by the Counties, most notably relating to construction. The Governor has deemed all construction as “essential” while the county orders have only designated residential construction, and the construction of “essential” non-residential projects as such. This is creating great confusion in the industry and contractors are erring on the side of caution and stopping work. We have heard for example that under construction data centers, critical to maintain a functioning internet and the ability to work from home for millions, are being shut down. Other commercial projects are being stopped and left in seismically unsafe conditions. Yet other critical infrastructure projects which definitely fall into the “essential” definition by any objective measure are being stopped because of the confusion over which standard applies.

Staff in all of our cities have been very responsive and helpful, but this problem cannot be resolved on a case by case basis, with every construction project having to seek clarity and a written clearance from a City Attorney to proceed. The obvious and cleanest solution would be for all 6 counties to adopt the State standard and allow all construction projects to proceed.
We urge you to act quickly otherwise we risk shutting down dozens of projects that will be necessary to our very life support system as a region in the coming months and years.

Sincerely,

Jim Wunderman

Jim Wunderman
President & CEO
Bay Area Council

CC:
Susan S. Muranishi, Alameda County Administrator
David Twa, Contra Costa County Administrator
Naomi M. Kelly, San Francisco County Administrator
Michael P. Callagy, San Mateo County Manager
Jeffrey V. Smith, Santa Clara County Executive
Matthew H. Hymel, Marin County Administrator