



Legislation Text

File #: 20-242, **Version:** 1

RESOLUTION of the City of San Leandro City Council Ratifying the Proclamation of a Local Emergency and a State of Emergency by the Director of Emergency Services Due to Civil Unrest

WHEREAS, the Emergency Services Act, California Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to California Government Code section 8630 such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, subsections (a) and (b) of San Leandro Municipal Code section 3-4-124 provide that the Director of Emergency Services is empowered to proclaim the existence of a "local emergency" if the City Council is not in session; and

WHEREAS, whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the local emergency will not remain in effect; and

WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services beginning on May 31, 2020 did proclaim the existence of a local emergency and imposed a curfew; and

WHEREAS, protesters have gathered throughout the country to protest in response to George Floyd's death while being detained by a Minneapolis police officer on May 25, 2020; and

WHEREAS, although the majority of protesters have acted peacefully and lawfully, some protests throughout the state and in surrounding cities such as San Francisco, Oakland, Emeryville and Vallejo have increasingly resulted in injuries to persons and destruction of property; and

WHEREAS, posts on social media sites, including Twitter, indicate that protests are being organized in San Leandro between May 31, 2020 and June 4, 2020, and that some protesters are being encouraged to riot and act in a violent and destructive manner and to wreak havoc within San Leandro; and

WHEREAS, civil unrest including property damage and potential looting began in San Leandro at approximately 4:30 p.m. on May 31, 2020; and

WHEREAS, civil unrest conditions similar to those occurring in the above-referenced Bay Area cities has begun to occur within the City of San Leandro, and such conditions create a threat to life and

property within San Leandro and require additional services, personnel, and equipment beyond the City's current capacity; and

WHEREAS, the Director of Emergency Services proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective response to potential injuries or property damage resulting from civil unrest that may accompany or arise in relation to protests concerning the tragic death in Minnesota of George Floyd, as demonstrated by the civil unrest that has occurred in connection with protests in the other Bay Area cities including San Francisco, Oakland, Vallejo and Emeryville.

NOW, THEREFORE, the City Council of the City of San Leandro HEREBY RESOLVES that:

1. The above recitals are true and correct and incorporated herein by this reference.
2. Based on the existence of (a) civil unrest in other Bay Area communities and other cities elsewhere in California and the United States that has occurred as part of or arising out of otherwise lawful and peaceful protests in response to the death of George Floyd and (b) social media posts calling for riots and other forms of civil unrest in San Leandro, the City of San Leandro is, has been or is likely to be affected by a public calamity due to potential civil unrest.
3. As proclaimed by the City of San Leandro Director of Emergency Services, a local emergency exists in the City of San Leandro, such that his proclamation is ratified and confirmed by this City Council.

BE IT FURTHER RESOLVED that as required by Government Code section 8630, the City Council shall reviewed the need for continuing the local emergency within seven (7) days of the proclamation of the local emergency and thereafter at least once every 60 days until the governing body terminates the local emergency, and shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

BE IT FURTHER RESOLVED that during the existence of said local emergency, the powers, functions, and duties of the Director of Emergency Services and the City's emergency organization shall be those prescribed by state law, local ordinance and resolutions.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately and shall remain in effect until 11:59 p.m. on June 8, 2020, unless extended or expressly superseded by a duly enacted Resolution of the City Council.