



City of San Leandro

Meeting Date: July 6, 2020

Staff Report

File Number: 20-323

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.P.

TO: City Council

FROM: Jeff Kay
City Manager

BY: Jeff Kay
City Manager

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for a City of San Leandro City Council Resolution to Terminate the Director of Emergency Services' May 31, 2020 Proclamation of a Local Emergency Due to Civil Unrest

RECOMMENDATIONS

Per San Leandro Municipal Code Section 3-4-124(c), the City Council must proclaim the termination of a local emergency at the earliest possible date. The conditions of civil unrest that warranted the proclamation of a local emergency on May 31, 2020 have subsided to such a degree that the City Council must terminate the local emergency.

BACKGROUND AND SUMMARY

On May 31, 2020, the Director of Emergency Services proclaimed a local emergency due to civil unrest related to protests and demonstrations primarily in response to the killing of George Floyd by Minneapolis Police Department officers a few days earlier. The local emergency was also proclaimed because of continuing communications, primarily on social media sites, that protests would and should continue, beyond May 31, 2020, and that such protests would and should include destruction of real and personal property. Similar protests occurred throughout the Bay Area on and around May 31, 2020, and into the first week of June. A mandatory citywide curfew was issued at the same time as the proclamation. During its regular meeting on June 1, 2020, the City Council ratified the Director's proclamation of local emergency.

The unrest and property destruction that occurred during and after the May 31, 2020 protests and demonstrations substantially subsided on June 1st, 2nd, and 3rd. The curfew was subsequently rescinded on June 4, 2020. Peaceful protests and demonstrations continue to occur in San Leandro.

As provided in San Leandro Municipal Code Section 3-4-124(c), the City Council, by the resolution associated with this staff report, proclaims the termination of the local emergency due

to civil unrest because the conditions that warrant the local emergency no longer continue.

Effective Date:

Upon passage, the resolution goes into effect immediately.



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Resolution - Council

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FROM: Jeff Kay
City Manager

BY: Jeff Kay
City Manager

FINANCE REVIEW: Not Applicable

TITLE: RESOLUTION of the City of San Leandro City Council Terminating the Proclamation of a Local 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, subsection (a) of San Leandro Municipal Code section 3-4-124 provides 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, 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, the Director of Emergency Services' proclamation was due to people 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 acted peacefully and lawfully, some protests throughout the state and in surrounding Bay Area cities, such as San Francisco, Vallejo, Walnut Creek, and San Leandro, resulted in injuries to persons and destruction of property; and

WHEREAS, posts on social media sites, including Twitter, indicated that protests were organized in San Leandro, and that some protesters were 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 other Bay Area cities occurred within the City of San Leandro, and such conditions created a threat to life and property within San Leandro and required 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 accompanied or arose in relation to protests concerning the tragic death in Minnesota of George Floyd;

WHEREAS, the violence and destruction of real and personal property subsequent to the protests has subsided significantly, such that the curfew imposed by the Director of Emergency Services was subsequently rescinded by the Director of Emergency Services on June 4, 2020; and

WHEREAS, the civil unrest described above no longer constitutes a local emergency, and peaceful protests and demonstrations continue to occur in San Leandro, such that the City Council, per San Leandro Municipal Code section 3-4-124(c) must proclaim the termination of local emergency at the earliest possible time that conditions warrant.

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. Conditions warrant that the City of San Leandro Director of Emergency Services' proclamation of a local emergency due to civil unrest dated May 31, 2020 is terminated.
3. Upon approval, this resolution shall go into effect immediately.