

**DECLARATION OF THE DIRECTOR OF
EMERGENCY SERVICES OF THE CITY OF SAN
JOSE IMPOSING A CURFEW WITH LIMITED
EXCEPTIONS AND SUPERSEDING THE MAY 31,
2020 DECLARATION IMPOSING A CURFEW**

WHEREAS, on May 31, 2020, I proclaimed a local state of emergency within the City of San José resulting from the civil unrest following the death of George Floyd in Minneapolis, Minnesota; and

WHEREAS, on May 31, 2020, I ordered the imposition of a city-wide curfew starting at 8:30 p.m. and ending at 5:00 a.m. on the following day, and during which no person shall be upon the public street, avenue, alley, park, or other public place or unimproved public realty within the limits of the City of San José; and

WHEREAS, pursuant to California Government Code Section 8634 and San José Municipal Code Section 8.08.250, I am empowered upon the proclamation of a local emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, under conditions of the emergency, it is deemed necessary in the interest of public safety to restrict the use of certain public areas of the City of San José and allow for limited exceptions; and

WHEREAS, life and property are deemed to be in peril and speed is of the essence;

NOW, THEREFORE, BE IT RESOLVED, I, David Sykes, as Director of Emergency Services, declare that commencing on June 1, 2020, a curfew be in effect starting at 8:30 p.m. and ending at 5:00 a.m. on the following day, and during which no person shall be upon the public street, avenue, alley, park, or other public place or unimproved public realty within the limits of the City of San José.

This Order shall not apply to the following:

- a. Police officers, peace officers, firefighters, or other emergency personnel or civilians engaged in police, emergency, or government work,
- b. Any persons experiencing homelessness;
- c. Individuals who are travelling to and from the airport;
- d. Individuals providing necessary care for a family member or pet in another household who has no other source of care.
- e. Individuals who are providing any services or performing any work necessary to the operation and maintenance of "Essential Infrastructure," including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, recycling, and processing facilities), and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, business infrastructure, communications, and web-based services).

- f. Individuals who are travelling to and from Essential Businesses to provide Minimum Basic Operations.
 - I. For the purposes of this Order, “Minimum Basic Operations” means the following activities for businesses:
 - 1. The minimum necessary activities to maintain and protect the value of the business’s inventory and facilities; ensure security, safety, and sanitation; process payroll and employee benefits; provide for the delivery of existing inventory directly to residences or businesses; and related functions.
 - 2. The minimum necessary activities to facilitate owners, personnel, and contractors of the business being able to continue to work remotely from their residences, and to ensure that the business can deliver its service remotely.
 - II. The following are “Essential Businesses” and include any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure:
 - 1. Healthcare Operations and businesses that operate, maintain, or repair Essential Infrastructure;
 - 2. Food cultivation;
 - 3. Businesses that provide shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 - 4. Newspapers, television, radio, and other media services;
 - 5. Home-based care for seniors, adults, children, and pets;
 - 6. Residential facilities and shelters for seniors, adults, and children;
 - 7. Production facilities that manufacture medical devices or defense-related devices.


Nothing herein is intended to or shall be interpreted to allow any activity that is not allowed under the Santa Clara County Public Health Orders, as may be amended from time to time.

This Order shall supersede the May 31, 2020 Declaration by the Director of Emergency Services Imposing a Curfew.

Any violation of this Order shall be subject to enforcement and penalty as provided under San José Municipal Code Section 8.08.260.

BE IT FURTHER RESOLVED that this regulation shall remain in effect until such time as it is terminated by either the Director of Emergency Services, the City Council, or the termination of the local state of emergency resulting from the civil unrest following the death of George Floyd.

6/2/20
Date


David Sykes
Director of Emergency Services