

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE TERMINATING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Section 8.08.210 of Chapter 8.08 of Title 8 of the San José Municipal Code empowers the Director of Emergency Services (City Manager or Designee) to proclaim the existence or threatened existence of a local emergency if the Council of the City of San Jose ("City") is not in session, and requires that the City Council shall take action to ratify the proclamation within seven (7) days thereafter; and

WHEREAS, pursuant to California Government Code Section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster; and

WHEREAS, conditions of extreme peril to the safety of persons and property arose within the City based on the following:

1. On May 25, 2020, George Floyd tragically died in Minneapolis, Minnesota, shortly following his arrest in which an officer of the Minneapolis Police Department kneeled on his neck to detain him during the arrest, and then did not respond to Mr. Floyd's requests for help when he stated that he could not breathe;
2. On May 29, 2020 and May 30, 2020, there were peaceful protests in the City of San José; however, additional civil unrest, including looting and rioting, in the downtown area of San José resulted in arrests, injuries, fires, and significant property damage; and

3. The San José Police Department anticipated looting and rioting to continue and to expand beyond the downtown area of San José.

WHEREAS, on May 31, 2020, the Director of Emergency Services issued a proclamation declaring the existence of a local emergency within the City, and issued a declaration imposing a nightly curfew in effect starting at 8:30 p.m. and ending at 5:00 a.m. on the following day, 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, on June 2, 2020, due to ongoing civil unrest following the death of George Floyd, the City Council adopted Resolution No. 79536 to (1) ratify and continue the Proclamation of Existence of a Local Emergency issued by the Director of Emergency Services; (2) ratify and continue the Declaration of the Director of Emergency Services of the City of San José Imposing a Curfew; and (3) issue a superseding Declaration Imposing a Curfew commencing on June 2, 2020 and ending on June 4, 2020 at 5:00 a.m.; and

WHEREAS, Government Code Section 8630 requires that the City Council review the need for continuing the local emergency and terminate the local emergency when conditions warrant; and

WHEREAS, the associated emergency conditions are no longer ongoing and the emergency should be terminated at this time;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Council terminates the Proclamation of Existence of a Local Emergency, as issued by the Director of Emergency Services on May 31, 2020 and ratified and continued by the City Council on June 2, 2020, related to civil unrest within the City of San José following the death of George Floyd.

ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk