

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: David Sykes

**SUBJECT: TERMINATION OF
PROCLAMATION OF LOCAL
EMERGENCY FOR CIVIL UNREST**

DATE: July 31, 2020

RECOMMENDATION

Adopt a resolution terminating the Proclamation of Existence of a Local Emergency Issued by the Director of Emergency Services on May 31, 2020 resulting from civil unrest affecting the City of San José.

OUTCOME

Termination of the Director of Emergency Services' (City Manager), or designee proclamation, of a local emergency allows the City to return to normal business operations following a period of civil unrest.

BACKGROUND

On May 25, 2020, George Floyd, an unarmed black man, was tragically killed by a police officer in Minneapolis, Minnesota, shortly following his arrest in which an officer of the Minneapolis Police Department knelt on his neck for more than 8 minutes 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.

On May 29, 2020 and May 30, 2020, there were peaceful protests in the City of San José in response to police brutality against George Floyd and people of color. However, acts of civil unrest followed, in the downtown area of San José, resulting in arrests, injuries, fires, and property damage.

In the interest of public safety, with the authority provided in Section 8.08.210 of Chapter 8.08 of Title 8 of the San José Municipal Code, the City Manager Proclaimed a Local Emergency on May 31, 2020 to allow for emergency orders such as the issuance of curfew, request for mutual aid assistance, and quickly allocating City resources to respond. .

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On June 2, 2020, the City Council ratified the Proclamation of Local Emergency, and modified the subsequent Curfew Order. City Council Resolution No. 79536 required the Director of Emergency Services (City Manager) to report back to City Council within sixty days on the need for further continuing the local emergency. The local emergency continues to exist until terminated by the City Council.

ANALYSIS

The authority to proclaim a Local Emergency in San José is vested in the City Council, or in an emergent situation, the Director of Emergency Services (City Manager), or designated alternate. Pursuant to Title 8, Chapter 8.08 Part 2 Section 808.210 of the San José Municipal Code and the California Government Code, Section 8680.9, the Proclamation of Local Emergency must be ratified by the City Council within seven (7) days if proclaimed by the Director of Emergency Services (or his/her designee) or it shall have no further force or effect. In addition, ratification is a prerequisite for requesting state or federal assistance. Moreover, the City Council must terminate the Local Emergency after 60 days (July 31, 2020) or as soon as conditions warrant.

Following the events of May 29, the Police Department and the Emergency Operations Center monitored the continued protest activities. Through June 20, significant protest activity continued with regular high attendance, while violent and destructive activity diminished. Smaller peaceful gatherings continued until June 30, with minor response needs. As the Fourth of July weekend approached, the threat was significantly reduced, and normal patrols resumed.

The City filed an Initial Damage Estimate with the California Office of Emergency Services for \$1,400,000 through June. This included \$80,000 for debris removal, \$40,000 in repairs to public buildings, and \$1,280,000 in labor hours. As there was no declaration by the Governor, there is no reimbursement avenue.

CONCLUSION

While the primary response took place during the weekend of May 29-31, public safety continued to be evaluated through the Fourth of July weekend. The Police Department will prepare an After Action Report of the police response to the demonstrations. The Independent Police Auditor will arrange for an outside consultant to produce an independent After Action Report of the police response to the demonstrations. These reports will be presented at a future date.

EVALUATION AND FOLLOW-UP

No further action by the City Council is necessary.

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CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

The memorandum will be posted for the August 4, 2020 agenda.

COORDINATION

The report was prepared by the Office of Emergency Management in coordination with the Police Department, Independent Police Auditor, City Attorney's Office, and Finance Department.

COMMISSION RECOMMENDATION

No commission recommendation or input is associated with this section.

CEQA

Statutory Exempt, Section 15269, Emergency Projects

A handwritten signature in black ink, appearing to read "D. Sykes", with a horizontal line extending to the right.

David Sykes
City Manager

For questions, please contact Raymond Riordan, Director of the City Manager's Office of Emergency Management at (408) 794-7055.