

RESOLUTION NO. 2020-0153

Adopted by the Sacramento City Council

June 1, 2020

Resolution Proclaiming the Existence of a Local Emergency and Imposing a Curfew

BACKGROUND

- A. The City of Sacramento, along with other cities throughout the Nation, has experienced large demonstrations protesting the death of George Floyd by Minnesota Police Officers.
- B. At their initiation, the protests and demonstrations were peaceful, and the participants acted lawfully.
- C. However, at about 6 p.m. on Friday May 29th, while a majority of the protestors continued to act lawfully, there was a significant increase in the amount of criminal behavior, including violence against first responders and peaceful protestors, vandalism of public and private property, looting of businesses, and failure to follow the lawful dispersal orders of the Sacramento Police Department and other law enforcement agencies. This situation has continued to this day.
- D. There were instances of violence by some of the protestors that demanded a high level of local resources to address, putting not only other protestors who were complying with lawful orders at risk, but also the members of the public and law enforcement.
- E. Conditions of extreme peril caused by mass demonstrations, rioting, and looting, are threatening the safety of persons and property within the City of Sacramento, and local resources are unable to continue to cope with the effects of the emergency.
- F. Sacramento City Code chapter 2.116 empowers the City Council of the City of Sacramento, California, to proclaim the existence of a local emergency under certain conditions.
- G. These conditions warrant and necessitate the proclamation of the existence of a local emergency.

- H. California Government Code section 8634 also empowers the City Council to promulgate orders and regulations necessary to provide for the protection of life and property during a local emergency, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety.
- I. It is now necessary, in the interest of public safety, to restrict the use of public areas of the City.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Council finds and determines that the background statements A through I are true.
- Section 2. The City Council declares that a local emergency now exists throughout the City of Sacramento, California, and shall continue to exist until terminated by the City Council. This declaration shall be reviewed as required under Sacramento City Code section 2.116.060.
- Section 3. City Manager Howard Chan is the director of emergency services, pursuant to Sacramento City Code section 2.116.050.
- Section 4. In the event that the director of emergency services is unavailable to attend meetings or otherwise perform his duties during an emergency, the director designates Assistant City Manager Chris Conlin to succeed him. In the event that both the director of emergency services and Chris Conlin are unavailable, the director designates Director of Emergency Management Daniel Bowers to succeed them.
- Section 5. Assistant City Manager Chris Conlin is hereby designated as the authorized City representative for public and individual assistance, for receipt, possession and coordination of all inquiries and requirements necessary to obtain available State, and Federal assistance. In the event that Chris Conlin is unavailable, the Director of Emergency Management Daniel Bowers is designated to succeed him.
- Section 6. During the local emergency, the powers, functions, and duties of the emergency organization of the City of Sacramento shall be those prescribed by State law, Sacramento City Charter, ordinances and resolutions of the City of Sacramento, and by the City of Sacramento's approved Emergency Operations Plan.

- Section 7. As the director of emergency services, and pursuant to the authorization and requirements described in Section 6 above, the City Manager may issue an order calling out the National Guard as warranted.
- Section 8. Notwithstanding any provision of the Sacramento City Code to the contrary, the city manager, as the director of emergency services, is authorized, without complying with the competitive bidding procedures of title 3 of the Sacramento City Code to execute any agreement, subject to approval as to the form by the city attorney, if the amount of the expenditure or income is less than \$250,000 and the agreement is related to emergency response needs.
- Section 9. A copy of this Resolution be forwarded to the State Director of Emergency Services with a request that it be found acceptable in accordance with the provisions of the Natural Disaster Assistance Act (Cal. Gov. Code section 8680 *et seq.*)
- Section 10. The local emergency shall continue to exist until it is terminated by the Sacramento City Council.
- Section 11. A curfew shall be in effect starting at 8:00 P.M. and ending at 5:00 A.M. the following day. During the curfew hours, no person shall be upon the public street, avenue, alley, park, or other public place or unimproved public realty within the boundaries of the City of Sacramento; and no business within the boundaries of the City of Sacramento shall be open to the public.
- Section 12. This curfew shall not apply to police officers, peace officers, firefighters, or other emergency personnel or civilians engaged in police or emergency work; to the National Guard or any other military personnel deployed to the area; to persons going to or from their place of work, including healthcare workers and essential workers; and to authorized representatives of any news service, newspaper, or radio or television station or network.
- Section 13. The law enforcement forces of this City, along with the law enforcement authorities cooperating with the City, are hereby authorized and charged, to the extent provided by law, with the responsibility of enforcing this curfew and are further authorized to arrest persons that do not obey this curfew after due notice, oral or written, has been given to that person. Any violation of this curfew shall be punished as provided in section 2.116.100 of the Sacramento City Code.
- Section 14. This curfew shall remain in effect until such time as it is terminated by the Director of Emergency Services or the City Council of the City of Sacramento.

Adopted by the City of Sacramento City Council on June 1, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy
Date: 2020.06.02 10:58:35 -07'00'

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.