RESOLUTION NO. 20-8850

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, RATIFYING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, section 2.140.060 of "The Code of the City of Santa Clara, California" ("SCCC") empowers the Director of Emergency Services to proclaim the existence or threatened existence of a "local emergency" when the City of Santa Clara is affected or likely to be affected by a public calamity, subject to ratification by the City Council within seven days;

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;

WHEREAS, the purpose of a local emergency proclamation is to provide extraordinary police powers, immunity for emergency actions, authorize issuance of orders and regulations, and activate pre-established emergency provisions;

WHEREAS, a local emergency proclamation is a prerequisite for requesting state or federal assistance;

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City, based on the following, commencing on or about May 31, 2020, at which time the City Council was not in session:

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 Jose; however, additional civil unrest, including looting and rioting, in the downtown area of San José that resulted in arrests, injuries, fires, and significant property damage.

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

4. San Jose and Santa Clara have shared city borders where both Westfield Valley Fair and Santana Row shopping districts are located which were both identified as locations of interest for protests and raids.

5. Some instances of looting of Santa Clara businesses did occur.

6. The civil unrest continues and may require swift response from the City for the protection of life and property.

WHEREAS, the Director of Emergency Services of the City of Santa Clara did proclaim the existence or threatened existence of a local emergency within the City of Santa Clara on May 31, 2020;

WHEREAS, the City Council does hereby find that the above described conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency in the City;

WHEREAS, California Government Code, Title 2, Division 1, Chapter 7.5 - California Disaster Assistance Act (CDAA) allows that with the Proclamation of a Local Emergency the City may seek financial assistance and may request reimbursement of the significant expenses incurred during response, if approved by the Director of the California Office of Emergency Services or Concurrence or Governor's Proclamation; and,

WHEREAS, the associated emergency conditions are ongoing, and the emergency should not be terminated at this time.

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NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1.   The Proclamation of Local Emergency, as issued by the Director of Emergency Services on May 31, 2020, is hereby ratified and confirmed.

2.   The City Council has reviewed the need for continuing the proclamation of local emergency and finds based on substantial evidence that the public interest and necessity require the continuance of the proclamation of local emergency related to the civil unrest following the death of George Floyd.

3.   Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Santa Clara.

4.   The Director of Emergency Services is hereby directed to report to the City Council at least every 30 days until termination is proclaimed by the City Council per Government Code 8630.

5.   Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A SPECIAL MEETING THEREOF HELD ON THE 4TH DAY OF JUNE, 2020, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Chahal, Davis, Hardy, O'Neill, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Proclamation of Local Emergency by Director of Emergency Services dated May 31, 2020

Resolution Ratifying Proclamation of Local Emergency
Rev: 11/22/17

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(*MUST BE RATIFIED BY THE CITY COUNCIL WITHIN 7 DAYS OF THE PROCLAMATION BY THE DIRECTOR OF EMERGENCY SERVICES AND MUST BE REVIEWED AT LEAST EVERY 30 DAYS UNTIL TERMINATION PER GOV'T CODE 8630)

NO. 20 – 02 *

A PROCLAMATION OF LOCAL EMERGENCY IN THE CITY OF SANTA CLARA, CALIFORNIA BY THE DIRECTOR OF EMERGENCY SERVICES

BE IT PROCLAIMED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Section 2.140.060 of "The Code of the City of Santa Clara, California" ("SCCC") empowers the Director of Emergency Services to proclaim the existence or threatened existence of a "local emergency" when the City of Santa Clara is affected or likely to be affected by a public calamity, subject to ratification by the City Council within seven days; and

WHEREAS 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; and

WHEREAS On May 29, 2020 and May 30, 2020, there were peaceful protests in the City of San Jose; however, additional civil unrest, including looting and rioting, in the downtown area of San José that resulted in arrests, injuries, fires, and significant property damage; and

WHEREAS The San José Police Department anticipates looting and rioting to continue and to expand beyond the downtown area of San José; and

WHEREAS That San Jose and Santa Clara have shared city borders where both Westfield Valley Fair and Santana Row shopping districts are located and have been identified as locations of interest for protests and raids; and
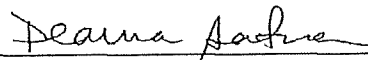
WHEREAS, the efforts required to prepare for, respond to, mitigate, and recover from the City of Santa Clara, caused by anticipated civil unrest, commencing on or about May 31, 2020, at which time the City Council was not in session.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED:

1.   That the Director of Emergency Services hereby finds that conditions of extreme peril to the safety of persons and property do warrant and necessitate the proclamation of a local emergency throughout the City of Santa Clara.

2.   That the Director of Emergency Services of the City of Santa Clara proclaims the existence of a local emergency within the City of Santa Clara on May 31, 2020.

3.   That these conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City of Santa Clara

4.   That it is therefore proclaimed and ordered that the local emergency shall be ratified by the City Council within 7 days of this proclamation, or otherwise expire, and will be reviewed at least every 30 days until termination is proclaimed by the City Council.

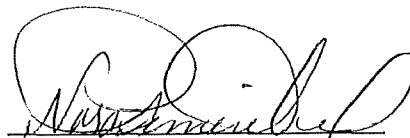5.   Effective date. This resolution shall become effective immediately.

Dated: May 31, 2020   Signed: _Deanna Santana_

Director of Emergency Services

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A PROCLAMATION OF EMERGENCY FOR THE CITY OF SANTA CLARA, CALIFORNIA, BY THE DIRECTOR OF EMERGENCY SERVICES ON THE 31st DAY OF MAY, 2020.

ATTEST: _____

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA