



Agenda Report

20-608

Agenda Date: 6/4/2020

REPORT TO COUNCIL

SUBJECT

Action on a Resolution Ratifying the Proclamation of Existence of a Local Emergency by the Director of Emergency Services [Council Pillar: Enhance Community Engagement and Transparency]

BACKGROUND

On May 31, 2020, the Director of Emergency Services (City Manager), proclaimed the existence of a local emergency under Section 2.140.060 of the Code of the City of Santa Clara, California ("SCCC") (Attachment 1) as a result of civil unrest following the killing of George Floyd in Minneapolis, Minnesota. This municipal code section 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.

Any proclamation of a local emergency is subject to ratification by the City Council within seven days and allows for immunity for emergency actions; authorization of issuance of orders and regulations; activation of pre-established emergency provisions; and is a prerequisite for requesting state or federal assistance. Termination of the proclamation of local emergency when conditions warrant is required by law.

Subsequent to the proclamation of a local emergency, and based thereon, the City Manager declared a citywide curfew for the safety and welfare of all Santa Clarans (Attachment 2).

DISCUSSION

Proclaiming a local State of Emergency is a decision made with the utmost care for the safety and well-being of the residents, businesses and employees of the City of Santa Clara.

A Proclamation of Local Emergency provides the authority to:

- Provide and request mutual aid from state and other governmental agencies consistent with the provisions of local ordinances, resolutions, emergency plans, and agreements.
- Promulgate orders and regulations and exercise emergency police powers necessary to provide for protection of life and property.
- Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use.
- Require emergency services of any City officer or employee and activate the use of disaster service workers who shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers.
- Requisition necessary personnel or material of any City department or agency.

The City Manager subsequently issued an order imposing a curfew on May 31, 2020 and was based on the rapidly changing situation and legitimate threats of looting, which required immediate action by City leadership including issuing a citywide curfew.

At the time of issuance, there was already observed looting in Santa Clara and credible intelligence of Westfield Valley Fair and Santana Row shopping districts being identified as locations of potential raids. The City received these threats of looting in Santa Clara around 6:30 p.m. and at 8:07 p.m. the Santa Clara Police Department noticed the community that a curfew would be put in place. Because San José and Santa Clara were working at our shared city borders, the City of Santa Clara aligned to the City of San Jose's curfew.

Every second counts in being able to respond effectively to emergency situations such as unlawful gatherings. A citywide curfew also allows the Police Department to preserve limited resources for responding to large-scale incidents. In this case, given that Santa Clara has many shopping districts throughout the entire city, having fewer people out at night puts fewer people at risk as the City of Santa Clara public safety resources work to preserve safety at various potential locations for looting/raids.

The curfew order was lifted by the City Manager on June 2, 2020, when it was determined that the threat of larger scale looting throughout Santa Clara could be managed through regular police authority (Attachment 3). The Proclamation of Local Emergency remains in effect as the City maintains vigilance and the ability to respond quickly to any threats to public safety.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Adopt a Resolution Ratifying the Proclamation of Existence of a Local Emergency by the Director of Emergency Services.

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Proclamation of Local Emergency by Director of Emergency Services dated May 31, 2020
2. Order Imposing Curfew
3. Order Lifting Curfew
4. Resolution Ratifying the Proclamation of Existence of a Local Emergency by the
Director of Emergency Services