

CITY OF ALAMEDA ORDINANCE NO. ____

AN URGENCY UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALAMEDA (A) DECLARING THE EXISTENCE OF A LOCAL EMERGENCY IN RESPONSE TO CIVIL UNREST, (B) RATIFYING THE CITY MANAGER'S JUNE 1 CURFEW ORDER, (C) PROVIDING DIRECTION TO EXTEND, MODIFY OR DISCONTINUE THE CURFEW AND (D) AUTHORIZING STAFF TO TAKE FURTHER ACTIONS TO IMPLEMENT THE DECLARATION OF THIS LOCAL EMERGENCY

WHEREAS, the Alameda Municipal Code (AMC) Chapter 2.24 defines a local emergency as "the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the jurisdiction"; and

WHEREAS, Government Code Section 8630 allows the City to declare a local emergency pursuant to an ordinance; and

WHEREAS, Section 3-12 of the City Charter authorizes the City Council, with a 4/5 vote, to adopt as an urgency measure, an ordinance for the immediate preservation of the public peace, health or safety without following the procedures otherwise required prior to adoption of an ordinance; and

WHEREAS, Government Code, Section 36937 allows a city, including a charter city, to adopt an urgency ordinance to take effect immediately upon its adoption for the preservation of the public peace, health or safety upon a finding of facts constituting the urgency thereof; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen with the City as a result of civil unrest, violence, looting, arson and destruction of personal and real property in the City, in the wake of the tragic death of George Floyd; and

WHEREAS, there exists imminent danger to life and property during the hours of darkness, and it is especially difficult to preserve public safety during such hours; and

WHEREAS, the City Manager, under the Council's March 17, 2020 Declaration of Local Emergency and under the Manager's authority as Director of Emergency Services under the Alameda Municipal Code, issued a Curfew Order on June 1, 2020; and

WHEREAS, the City Manager/Director of Emergency Services of the City has requested the City Council to proclaim the existence of a local emergency based on civil

unrest; and

WHEREAS, for the reasons set forth above, this ordinance is declared to be by the City Council to be necessary for preserving the public welfare, health, or safety and to avoid a current, immediate and direct threat to the health, safety or welfare of the community, and the recitals above taken together constitute the City Council's statements of the reasons constituting such necessity and urgency; and

WHEREAS, adoption of this ordinance is exempt from review under the California Environmental Quality Act Guidelines: Section 15061 (b)(3) [common sense exemption] and Section 15321 [law enforcement activities] and

WHEREAS, by the agenda report, testimony and documentary evidence presented at the June 2, 2020 City Council meeting, the City Council has been provided with additional information upon which the findings and actions set forth in this ordinance are based.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALAMEDA DOES ORDAIN THE FOLLOWING:

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby incorporates them into this ordinance.

Section 2. The City Council finds and declares, as of the effective date of this urgency ordinance, that a local emergency exists throughout the City as a result of civil unrest.

Section 3. During the existence of the local emergency, the powers, functions, and duties of the Director of Emergency Services and the Emergency Organization of the City shall be those prescribed by State law, ordinances and resolutions of the City of Alameda, and by the Alameda Emergency Plan.

Section 4. The City Manager's June 1, 2020 Curfew Order is ratified and the City Council [extends the Curfew Order until _____] [modifies the Curfew Order as follows: _____] [discontinues the Curfew Order].

Section 5. The City Council authorizes the City staff to take further actions to implement this Local Emergency.

Section 6. The Local Emergency shall continue to exist until the City Council proclaims its termination.

Section 7. This ordinance is enacted pursuant to the City of Alameda's general police powers , Alameda Municipal Code, Chapter 2-24, Section 3-12 of the City Charter, Article XI of the State Constitution, and Government Code, Sections 36937 and 8630.

Section 8. If any section, subsection, sentence of clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 9. As an emergency ordinance, this ordinance becomes effective immediately upon its adoption at a first reading by a four-fifths vote of the City Council.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

I hereby certify that the foregoing ordinance was passed and adopted by the City Council at a regular [special] meeting held on June 2, 2020 by the following vote:

AYES

NOES

ABSENT

ABSTAIN

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City this 3rd day of June, 2020.

Lara Weisiger, City Clerk

Approved as form:

Yibin Shen, City Attorney