WHEREAS, Concord Municipal Code Chapter 2.30 (Civil Emergencies) and California Government Code Section 8558 define “emergency” and “local emergency” (respectively) as “existence of conditions of disaster or of extreme peril to the safety of persons and property” within specified territorial limits, including those cause by epidemic, which “are or are likely to be beyond the control of the services, personnel, equipment, and facilities” of a particular political subdivision such as the City of Concord, and which require “the combined forces of other political subdivisions to combat....” Such conditions are referred to herein as “local emergency.”

WHEREAS, California Government Code Sections 8558 and 8630 empower the City of Concord to proclaim the existence of a local emergency when the City is affected or likely to be affected by conditions of disaster or of extreme peril to the safety of persons and property within the City’s territorial limits.

WHEREAS, California Government Code section 8634 empowers the City Manager, acting in the capacity of the City’s Director of Emergency Services, and Concord Municipal Code Chapter 2.30 (Civil Emergencies) and Chapter 8.25 (Neighborhood Preservation, Article I, Public Nuisances), 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.

WHEREAS, Concord Municipal Code Chapter 2.30 (Civil Emergencies) empowers the City Manager in her capacity as Director of Emergency Services (“Director”), to proclaim a local emergency when the City Council is not in session and request City Council ratification thereof.

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 protesters have gathered throughout the country in response to
Mr. Floyd’s death.

WHEREAS, although the majority of protesters have acted peacefully and lawfully, some
protests in Contra Costa County, the City of Concord, and surrounding cities such as San Francisco,
Oakland, Vallejo, Walnut Creek, Pleasant Hill, and Emeryville have increasingly resulted in injuries
to persons and destruction of property.

WHEREAS, the Concord Police Department anticipates injuries to persons and destruction of
property to continue and to expand within the City of Concord; and

WHEREAS, these facts give rise to actual or threatened conditions of disaster or extreme peril
which will impact significant City and community operations, including critical public infrastructure
and services, and which will require the provision of additional public safety and emergency services.

WHEREAS, the locally available resources are inadequate to cope with the actual or
threatened conditions of disaster or extreme peril because, by reason if its magnitude, it is or is likely
to be beyond the control of the services, personnel, equipment, and facilities of the City of Concord,
and will require the combined forces of a mutual aid region or regions to combat; these conditions
satisfy the circumstances described in Government Code Section 8558.

WHEREAS, these actual or threatened conditions of disaster or extreme peril necessitate the
proclamation of a local emergency to enable the City of Concord and other government entities to
adequately plan, prepare and preposition resources to be able to effectively respond to the threat posed
by such conditions.

WHEREAS, due to the threat of and actual civil unrest surrounding the protests, the need to
protect the safety of the public, and public and private property, within the City of Concord, there
exists the need to impose a citywide curfew within the city boundaries of the City of Concord;

WHEREAS, at the time of this “Director of Emergency Services Proclamation of Local
Emergency” the City Council is not in session and cannot immediately be called into session.

PROCLAMATION OF LOCAL EMERGENCY

NOW, THEREFORE, IT IS HEREBY PROCLAIMED:

1. A local emergency exists throughout the City of Concord, commencing as of the time
and date of the signature of the Director, below.
2. During the existence of the local emergency, the powers, functions, and duties of the Director and City of Concord’s emergency organization shall be those prescribed by state law, by City of Concord ordinances and resolutions, and by the City of Concord Emergency Operations Plan, as approved by Concord City Council on March 22, 2016 (Resolution #16-19).

3. Concord Municipal Code Section 2.30.060(a)(6) provides as follows:

   In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by the Governor or the Director of the state Office of Emergency Services, or the existence of a “state of war emergency,” the Director is hereby empowered:

   a. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;

   b. To 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;

   c. To require emergency services of any city officer or employee and, in the event of the proclamation of a “state of emergency” in the county in which this city is located or the existence of a “state of war emergency,” to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

   d. To requisition necessary personnel or material of any city department or agency; and

   e. To execute all of his [her] ordinary powers as City Manager; all of the special powers conferred upon him [her] by this chapter or by resolution or emergency plan pursuant hereto adopted by the City Council; and all powers conferred upon him [her] by any statute, by any agreement approved by the City Council, and by any other lawful authority.

4. This “Director of Emergency Services Proclamation of Local Emergency” shall remain in effect for the next seven (7) days, and thereafter by ratification of the City Council.
CITYWIDE CURFEW ORDER

NOW, THEREFORE, as Director, I hereby declare the following curfew order necessary for the protection of life and property within the City of Concord:

1. The above recitals and findings are true and correct and incorporated herein by this reference.

2. A citywide curfew is hereby imposed within the boundaries of the City of Concord.

3. This order shall take effect as of the time and date of the signature of the Director, below, and shall remain in effect until 5:00 a.m. on Monday, June 8, 2020, and thereafter by ratification of the City Council, unless earlier terminated by the Director or the City Council.

1. Pursuant to this curfew, no persons shall be upon any public street, avenue, alley, park, way, or any other public place or upon unimproved private real property in the City of Concord between the hours of 8:00 p.m. and 5:00 a.m. Pacific daylight saving time. The provisions of this order supersede the provisions of Concord Municipal Code Chapter 9.40 (Curfew for Minors) for the duration hereof.

2. The law enforcement personnel of the City of Concord together with other law enforcement authorities cooperating with the City of Concord are hereby authorized and charged to the extent provided by law with the responsibility of enforcing this curfew, and are further authorized to arrest or issue a citation to any person who does not obey this curfew after due notice, oral or written, has been given to that person. Any violation of this declaration and order shall be punished as provided in the Concord Municipal Code.

3. Law enforcement personnel, firefighting personnel, emergency health care providers, civilians engaged in police or emergency work, individuals traveling to and from work, individuals traveling for the purpose of seeking urgent or emergency medical care, persons impacted by homelessness, and representatives of the media are exempt from this order.

DECLARED this _2_ day of June 2020 at 3:05 am/pm (circle one)

Valerie J. Barone, City Manager

Joelle Fockler, MMC, City Clerk