

1 Mr. Floyd's death.

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

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

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

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

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

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

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

25 **PROCLAMATION OF LOCAL EMERGENCY**

26 **NOW, THEREFORE, IT IS HEREBY PROCLAIMED:**

27 1. A local emergency exists throughout the City of Concord, commencing as of the time
28 and date of the signature of the Director, below.

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

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

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

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

12 b. To obtain vital supplies, equipment, and such other properties found lacking
13 and needed for the protection of life and property; and to bind the city for the fair value thereof; and, if
14 required immediately, to commandeer the same for public use;

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

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

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

26 4. This “Director of Emergency Services Proclamation of Local Emergency” shall remain
27 in effect for the next seven (7) days, and thereafter by ratification of the City Council.
28

1 **CITYWIDE CURFEW ORDER**

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

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

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

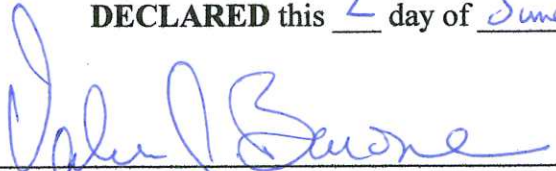
7 3. This order shall take effect as of the time and date of the signature of the Director,
8 below, and shall remain in effect in effect until 5:00 a.m. on Monday, June 8, 2020, and thereafter by
9 ratification of the City Council, unless earlier terminated by the Director or the City Council.


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

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

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

25 **DECLARED** this 2 day of June 2020 at 3:05 am/pm (circle one)

26
27 
28 Valerie J. Barone, City Manager


Joelle Fockler, MMC, City Clerk