CALL AND NOTICE OF
SPECIAL MEETING
AT 1:00 PM
OF THE VALLEJO CITY COUNCIL
VIA TELECONFERENCE
The Public Comment link opens at 11:00 a.m. on the day of the Council meeting. To access the link for public commenting, find the agenda item you wish to comment on and select that link to submit your comment.
JUNE 5, 2020

TO THE MEMBERS OF THE VALLEJO CITY COUNCIL:

You are hereby notified that I do hereby call the Vallejo City Council in special session to consider only the matters stated on the agenda listed below.

NOTICE: Due to the current Shelter at Home Order and in conformance with the Governor's Executive Order N-29-30, the City of Vallejo has opted to hold City Council meetings via teleconference. Any interested members of the public desiring to communicate with the City Council concerning any item listed on the agenda before or during consideration of that item must do so by accessing the link at the end of this paragraph. No other items may be discussed during this special meeting. There will be no public access to City Hall for any City Council meetings until further notice.
https://www.opentownhall.com/8980

1. CALL TO ORDER

2. ROLL CALL

3. ACTION CALENDAR

A. **CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALLEJO RATIFYING A PROCLAMATION OF LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES AND RATIFYING AN ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF VALLEJO IMPOSING AN 8 P.M. CURFEW IN THE CITY OF VALLEJO UNTIL FURTHER NOTICE**

Recommendation: Receive the staff report and adopt a Resolution of the City Council of the city of Vallejo Ratifying a Proclamation of Local Emergency by the Director of Emergency Services and Ratifying an Order of the Director of Emergency Services for the City of Vallejo Imposing an 8 p.m. Curfew in the City of Vallejo Until Further Notice.

Contact: Randy Risner, Interim City Attorney (707) 648-4545
randy.risner@cityofvallejo.net

4. CLOSED SESSION

Due to the Coronavirus emergency, all Special City Council meetings will be held via teleconference. Members of the public will be able to submit public comment. Members of the public interested in participating or observing the Special City Council meeting may either click the link above or type the link into an internet browser. You will be taken to the internet platform where the meeting is being held.

A. Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation Pursuant to California Government Code Section 54956.9(d)(2). Number of matters: 1.

5. ADJOURNMENT

Dated: Thursday, June 4, 2020

Bob Sampayan, Mayor

I, Dawn Abrahamson, City Clerk, do herby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Vallejo City Council, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 1:00 p.m., Thursday, June 4, 2020.

Dated: Thursday, June 4, 2020

Dawn G. Abrahamson, City Clerk

ACTION ITEM 3.A.

DATE: June 5, 2020

TO: Mayor and Members of the City Council

FROM: Randy Risner, Interim City Attorney

SUBJECT: **CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALLEJO RATIFYING A PROCLAMATION OF LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES AND RATIFYING AN ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF VALLEJO IMPOSING AN 8 P.M. CURFEW IN THE CITY OF VALLEJO UNTIL FURTHER NOTICE**

RECOMMENDATION

Receive the staff report and adopt a Resolution of the City Council of the city of Vallejo Ratifying a Proclamation of Local Emergency by the Director of Emergency Services and Ratifying an Order of the Director of Emergency Services for the City of Vallejo Imposing an 8 p.m. Curfew in the City of Vallejo Until Further Notice.

REASONS FOR RECOMMENDATION

The emergency proclamation and emergency order imposing a curfew are needed to provide the necessary tools to law enforcement in order to mitigate crimes against persons and property during the duration of the protests and riots. In addition, the proclamation of emergency allows the City to request assistance from the State of California.

BACKGROUND AND DISCUSSION

On May 25, 2020 George Floyd, a 46-year-old black man, was taken into police custody in Minneaopolis, Minnesota. George Floyd, who did not resist, died as the result of a knee placed upon his neck by white Minneapolis police officer Derek Chauvin while George was lying face down on the ground in handcuffs. George's death sparked nationwide protests about police brutality and the use of force by police officers. The City of Vallejo also experienced protests with people numbering in the hundreds at any given time. These protests began on May 25 and have been continuous since that time.

While the majority of protesters were peaceful, a minority took advantage of circumstances to engage in looting, vandalism, assault, burglary and other crimes. On the night of June 1, 2020, the City received credible intelligence that groups of individuals bent on participating in criminal activity were on there way to Vallejo. The groups were brazen and even advertised on social media for people to join them in committing crimes in the Vallejo.

Because of this intelligence, the Director of Emergency Services determined that a curfew would assist the Vallejo Police Department in controlling the potential impact of these people. In order to issue an emergency curfew, the Director of Emergency Services proclaimed an emergency and simultaneously issued an emergency order with the curfew. The proclamation and curfew order were both issued on June 1, 2020. On

June 2, 2020, the Director of Emergency Services rescinded the June 1, 2020 curfew order and replaced it with a revised order. Vallejo Municipal Code Section 2.50.060 empowers the Director of Emergency Services to proclaim a local emergency which must be ratified by the City Council within seven days. LIkewise, Vallejo Municipal Code Section 2.50.070 empowers the Director of Emergency Services to issue emergency orders for the protection of life and property.

FISCAL IMPACT

The emergency will have a yet to be determined fiscal impact upon the City because of increased overtime for the police department as well as other city departments such as public works. There may or may not be available state and federal funds to reimburse the city for these expenditures.

ENVIRONMENTAL REVIEW

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

ATTACHMENTS

1.	reso ratifying Floyd Emergency
2.	Emergemcy Proclamation Protests
3.	Revised Curfew Order

CONTACT

Randy Risner, Interim City Attorney (707) 648-4545
randy.risner@cityofvallejo.net

RESOLUTION NO. 20-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALLEJO RATIFYING A PROCLAMATION OF LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES AND RATIFYING AN ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF VALLEJO IMPOSING AN 8 P.M. CURFEW IN THE CITY OF VALLEJO UNTIL FURTHER NOTICE

WHEREAS, the death of George Floyd at the hands of a police officer in Minneapolis, Minnesota has triggered a series of protests throughout the United States many of which have turned violent and resulted in property damage to business, arson, and injuries to police officers and protestors; and

WHEREAS, cities within the State of California have also experienced protests including violence, damage to business, arson, vandalism, and injuries to police officers and protestors; and

WHEREAS, the Governor of the State of California has activated the California National Guard to assist local authorities to mitigate said crimes; and

WHEREAS, the Director of Emergency Services of the City of Vallejo proclaimed a City-wide emergency as of June 1, 2020 as a result of credible threats against the City a copy of which is attached as Exhibit A; and

WHEREAS, Section 2.50.070(D)(1) of the City of Vallejo Municipal Code empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by any emergency proclaimed by the Director of Emergency Services or by the City Council; and

WHEREAS, the Director of Emergency Services issued Emergency Order 20-008 imposing a curfew upon the residents of the City of Vallejo in an effort to mitigate the damage and potential injury threatened by looters and other criminal activity a copy of which is attached as Exhibit B.

NOW THEREFORE, BE IT RESOLVED as follows:

1. That the City Council has reviewed Exhibit A and finds it to be a reasonable exercise of the emergency powers of the Director of Emergency Services.

2. That the City Council hereby ratifies Exhibit A, which shall remain in force until the City Council determines that the emergency no longer exists.

3. That the City Council has reviewed Exhibit B and finds it to be a reasonable exercise of the emergency powers of the Director of Emergency Services.

4. That the City council hereby ratifies Exhbit B which shall remain in force until the City Council determines that the emergency no longer exists.

PASSED AND ADOPTED by the City Council of the City of Vallejo at a regular meeting thereof held on June 5, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

_____
Mayor Bob Sampayan

ATTEST:

_____
Dawn Abrahamson, City Clerk

APPROVED AS TO FORM:

_____
Randy J. Risner, City Attorney

EXHIBIT A

CITY OF VALLEJO
PROCLAMATION OF A LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES RELATED TO THE PROTESTS OF THE KILLING OF GEORGE FLOYD OF MINNEAPOLIS, MINNESOTA

WHEREAS, the California Emergency Services Act, Chapter 7, of the California Government Code, commencing with § 8550 confers upon the governing bodies of the political subdivisions of this state emergency powers necessary to protect health and safety and preserve lives and property;

WHEREAS, § 8630 of the California Government Code, states that "a Local Emergency may be proclaimed only by the governing body of a county, city and county, or city or by an official so designated by ordinance adopted by such governing body;"

WHEREAS, City of Vallejo Municipal Code Title 1, Chapter 2.50, empowers the Emergency Services Director to proclaim the existence or threatened existence of a Local Emergency when this City is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven days and reaffirmation every 60 days thereafter until such Local Emergency is terminated; and

WHEREAS, on May 25, 2020, George Floyd was killed by a police officer in Minneapolis, Minnesota triggering a series of protests in cities throughout the United States over a period of several days; and

WHEREAS, said protests were initially peaceful with citizens protesting the manner in which Mr. Floyd was killed as well as other questionable killings of African-American citizens by police officers over a period of several years; and

WHEREAS, protests in many cities became violent with widespread vandalism, arson and property damage to business; and

WHEREAS, many states, including California, have activated the National Guard to assist in restoring order to cities affected by violence during the protests; and

WHEREAS, protests have taken place in the City of Vallejo with most protestors behaving peacefully; and

WHEREAS, while most protestors have been peaceful several people have taken advantage of the protests in order to engage in criminal activities including arson, destruction of property, burglary, assault, looting, vandalism and other crimes; and

WHEREAS, the Vallejo Police Department has been informed that unknown persons intend to engage in further criminal activity that places the health, safety and welfare of the citizens of Vallejo and private and public property in Vallejo at risk.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND PROCLAIMED that a Local Emergency now exists and shall continue throughout this City until terminated by the Vallejo City Council; and

IT IS FURTHER RESOLVED AND PROCLAIMED that this Emergency Proclamation shall be submitted to the City Council of the City of Vallejo within seven (7) days from the date set forth below for ratification; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said 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, and by ordinance and resolutions of this City approved by the City Council, and by the City of Vallejo Emergency Operations Plan, as approved by the City Council.

DATED: June 1, 2020

GREG NYHOFF, DIRECTOR OF EMERGENCY SERVICES

EXHIBIT B

EMERGENCY ORDER NO. 20-008

AN ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF VALLEJO IMPOSING AN 8 P.M. CURFEW IN THE CITY OF VALLEJO UNTIL FURTHER NOTICE

WHEREAS, the death of George Floyd at the hands of a police officer in Minneapolis, Minnesota has triggered a series of protests throughout the United States many of which have turned violent and resulted in property damage to business, arson, and injuries to police officers and protestors; and

WHEREAS, cities within the State of California have also experienced protests including violence, damage to business, arson, vandalism, and injuries to police officers and protestors; and

WHEREAS, the Governor of the State of California has activated the California National Guard to assist local authorities to mitigate said crimes; and

WHEREAS, the Vallejo Police Department has received credible information that criminal elements intend to engage in widespread violence, acts vandalism, looting and other crimes; and

WHEREAS, the City of Vallejo has declared a City-wide emergency as of June 1, 2020; and

WHEREAS, Section 2.50.070(D)(1) of the City of Vallejo Municipal Code empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by any emergency proclaimed by the Director of Emergency Services or by the City Council.

NOW THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED as follows:

1. City of Vallejo Order No. 20-007 is hereby rescinded and replaced in its entirety with this order.

2. A temporary curfew is hereby imposed on all residents of the City of Vallejo.

3. No persons shall be upon any public street, sidewalk, park, or in any other outdoor public place in the City of Vallejo between the hours of 8 p.m. and 5 a.m. The following are exempt from this order: law enforcement personnel, firefighting personnel, emergency healthcare providers, individuals travelling to and from their workplace, unsheltered persons and representatives of the news media.

4. Any person found outside between the hours of 8 p.m. and 5 a.m. are subject to arrest and may be charged with a misdemeanor.

5. This order shall take effect immediately.

IT IS FURTHER ORDERD that this order shall remain in full force and effect until further notice.

IT IS FURTHER ORDERD that this order shall be presented to the City Council for ratification at the earliest possible time.

DATED: June 2, 2020

By: _____
Greg Nyhoff, Director of
Emergency Services

Approved as to Form:

Dated: June 2, 2020

By: _____
Randy J. Risner, Interim
City Attorney