



*Office of the City Manager*

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**CITY OF FREMONT  
DIRECTOR OF EMERGENCY SERVICES  
EO 2020-05**

**EMERGENCY PROCLAMATION AND ORDER OF THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY, DECLARING A CURFEW AND AUTHORIZING STREET CLOSURES**

**WHEREAS**, I am the City Manager for the City of Fremont, and in my capacity as the Director of Emergency Services I am empowered to proclaim a local emergency and to make and issue emergency orders, rules, and regulations to protect life and property and to combat, prevent, and mitigate the impacts of an emergency in accordance with state law and Fremont Municipal Code Chapter 2.20; and

**WHEREAS**, as the Director of Emergency Services of the City, I find the following:

1. On May 25, 2020, George Floyd tragically died in Minneapolis, Minnesota, shortly following his arrest in which an officer of the Minneapolis Police Department knelt on his neck to detain him during the arrest, and did not respond to Mr. Floyd's requests for help and statements that he could not breathe; and
2. Following the incident, protests and marches have taken place in many cities throughout the country, and recent protests in Newark, Oakland, Vallejo, San Leandro, San Francisco, Emeryville, San Jose, Walnut Creek, and other nearby cities have been violent and have resulted in civil unrest, shootings, injuries, fires, looting and rioting; and
3. The Fremont Police Department has and continues to provide mutual aid to other cities that are experiencing civil unrest, shootings and rioting; and
4. Civil unrest incidents involving looting, shootings, armed robberies, armed burglaries, and attempts to steal firearms have now occurred in Fremont, and the Police Department anticipates the civil unrest, shootings, injuries, fires, looting and rioting from nearby cities will continue to spread to Fremont; and

**WHEREAS**, the City is already operating under a local emergency due to the COVID-19 pandemic, and the gathering of large crowds threatens the health of participants and could lead to the spread of the disease; and

**WHEREAS**, the above facts give rise to conditions of extreme peril to the safety and health of persons and to property within the City, including the continuing spread of COVID-19 infections; and

**WHEREAS**, these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

**WHEREAS**, the efforts required to prepare for, respond to, mitigate, and recover from civil unrest and looting, as well as the spread of COVID-19 infections among participants in large gatherings will impose extraordinary burdens on City resources and expenses on the City, thereby diverting resources from day-to-day operations, mutual aid assistance, and efforts to contain the COVID-19 pandemic; and

**WHEREAS**, due to the above conditions of extreme peril, I find it necessary and appropriate to proclaim a second local emergency and use extraordinary measures to protect the public peace, safety, and welfare; and

**WHEREAS**, time is of the essence due to the perils resulting from the threat of this emergency and the Fremont City Council is not in session and cannot immediately be called into session;

**NOW, THEREFORE**, based on the above recitals which I believe to be true and correct, and reports of ongoing incidents of civil unrest and looting in the area, I order and declare that a public safety emergency now exists throughout the City and call upon the City's emergency organization to exercise its powers, functions, and duties as prescribed by state law, by ordinance and by resolutions of this City.

**I FURTHER ORDER AND DECLARE** that due to the threat of and actual civil unrest surrounding the protests and the need to protect the safety of persons and property within the City, there exists the need to impose a citywide curfew within the City of Fremont, and that the following curfew order is hereby imposed as follows:

1. **A citywide curfew is hereby imposed in the City of Fremont from June 1, 2020 through June 8, 2020, from the hours of 8 pm to 5 am.**
2. During this time no person shall be upon the public street, avenue, alley, park, or other public place or unimproved public realty in the City.
3. The law enforcement personnel of this City along with other law enforcement authorities cooperating with the City are hereby authorized and charged to the extent provided by law with the duty to enforce 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.
4. A violation of the curfew may be punishable as a misdemeanor in accordance with state law or pursuant to Fremont Municipal Code Chapter 1.15.
5. The curfew also may be enforced through the issuance of administrative citations pursuant to Fremont Municipal Code Chapter 1.20.
6. The curfew does not apply to law enforcement personnel, firefighters, first responders, emergency health care providers, civilians officially engaged in responding to the emergency, persons traveling to and from work or for medical reasons, persons impacted by homelessness, and authorized representatives of a news service, newspaper, radio or television station or network.

7. The curfew order will remain in effect until 5:01 am on Monday, June 8, 2020 unless otherwise terminated earlier or extended by the City Council or order of the Director of Emergency Services.

**I FURTHER ORDER AND DECLARE** that the following road closures are authorized and will remain in place during the dates and times of the curfew order, unless otherwise provided by subsequent order of the Chief of Police of the Fremont Police Department:

Road Closures - Pacific Commons

Christy Street, south of Auto Mall

Pacific Commons Blvd, from Auto Mall to Bunche Drive

Boscell Rd, from Auto Mall to Bunche Drive

Cushing Parkway, from Auto Mall to Bunche Drive (both directions)

Nobel Drive, from Auto Mall to Bunche Drive

**I FURTHER ORDER AND DECLARE** that I delegate to the Chief of Police of the Fremont Police Department the authority to issue additional orders for the protection of life and property.

**I FURTHER ORDER AND DECLARE** that the law enforcement forces of this City are authorized and charged with the responsibility to enforce this emergency order and regulation. These law enforcement forces are further authorized to cite, arrest and take other appropriate measures against persons who disobey this regulation after due notice, either oral or written, has been given. Enforcement of this order shall be in accordance with law and with the emergency proclamations, powers, and orders issued by the State of California, the County of Alameda, and the City of Fremont. Violations of this order are punishable by law.

**I FURTHER ORDER AND DECLARE** that this emergency order and any orders and regulations issued during the local emergency shall receive widespread publicity and notice.

Issued on this 1<sup>st</sup> day of June 2020, at 1:45 PM.

  
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Mark Danaj  
City Manager/Director of Emergency Services