

The City of Bessemer, Alabama

June 5, 2020

Re: COVID-19 and matters necessary to perform essential minimum functions of the governmental body.

The Council of the City of Bessemer, Alabama met in special session via teleconference on Friday, June 5, 2020 at 4:30 p.m. Central Time. The purpose of the special meeting was to consider matters within the Council's authority that are (a) necessary to respond to COVID-19, and (b) necessary to perform essential minimum functions of the governmental body and (c) to consider enactment of a curfew due to protests and rioting that may occur during and following the protest. The meeting was called to order by Council President Cynthia Donald who was Chairman of the meeting. The following Council members were found to be present: Councilors Kimberly Alexander, Jarvis Collier, Ron Marshall, Donna Thigpen, Latricia Crusoe, and Cynthia Donald. Absent: Councilor Jesse Matthews. The City Council unanimously approved the following resolution:

RESOLUTION NO. 163-20

**A RESOLUTION ESTABLISHING A
CURFEW**

WHEREAS, on May 25, 2020, the tragic death of George Floyd in Minneapolis, MN, caused by a heinous act of a Minneapolis police officer, shocked the nation; and

WHEREAS, the senseless death of yet another African American in the course of an encounter with the police has enraged thousands and resulted in violence and destruction in many cities across the country; and

WHEREAS, Mayor Kenneth E. Gulley, the City Council of the City of Bessemer, the Bessemer Police Department, and the City of Bessemer share in the grief and outrage at the death of Mr. Floyd and call for the investigation and prosecution of those responsible; and

WHEREAS, we also call for our nation to come together to bring peace and safety to all citizens, regardless of race, creed, national origin and all factors of our diverse citizenry; and

WHEREAS, Bessemer has a history of non-violent protest following the leadership of Dr. Martin Luther King, Jr.; and

WHEREAS, on May 31, 2020, following peaceful events in downtown Birmingham protesting the murder of Mr. Floyd, a gathering in Linn Park turned into an attack on Birmingham's business district resulting in damage to and destruction of businesses, large and small; and

WHEREAS, since May 25, 2020, other municipalities across the nation have experienced civil unrest in the form of arson, burglaries and vandalism; and

WHEREAS, there have been calls for violence in Bessemer, Alabama on social media leading the Mayor Kenneth E. Gulley to issue a Proclamation of the existence of a state of emergency in the City pursuant to Section 34-3 of the Code of Ordinances of the City of Bessemer; and

WHEREAS, there is continuing uncertainty about the length of time in which this civil unrest will continue, based on public displays of disorder that are ongoing around the nation; and

WHEREAS, the COVID-19 pandemic remains a threat in the City; and

WHEREAS, the City stands in full support of citizens who exercise their First Amendment rights to peaceful demonstrations and protests but must protect its citizens, both individuals and businesses, from senseless destruction by criminal mob actions; and

WHEREAS, authority is granted under Section 34-4 of the Code of Ordinances of the City of Bessemer for the City Council to order a general curfew applicable to such geographical areas of the City or to the City as a whole as they deem advisable, and the curfew shall be applicable during such hours of the day or night as they deem necessary in the interest of public safety and welfare;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BESSEMER, at a duly assembled video conference meeting held in accordance with Governor Kay Ivey's Proclamation of March 18, 2020, suspending portions of the Open Meetings Act, with a quorum being present as follows:

1. A state of emergency exists in the City of Bessemer due to the civil unrest and destruction occurring on the night of May 31, 2020, in Birmingham, Alabama, and a call for violence in the City of Bessemer issued on social media on June 1, 2020, and the continuing threat of further rioting that has taken over peaceful protests of the death of George Floyd in many other major cities across the United States over the past week. Such civil unrest threatens the lives, safety, health and welfare and the property of the people and businesses of the City.

2. Pursuant to the authority granted to the City Council of the City of Bessemer by Sec. 34-4 of the Code of Ordinances of the City of Bessemer, beginning at 7:00 p.m. on Friday, June 5, 2020, and continuing through Sunday, June 14, 2020 no person shall between the hours of 7:00 p.m. and 6:00 a.m. each day while this order is in effect: a. Hold or participate in any demonstration, parade, march, or vigil, on any of the public ways or upon any public property; and b. Travel upon any public street, alley, or roadway or upon any other public property, except those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof; those traveling through the City from one location outside of the City to another location outside the City; those returning to one's place of residence or place of employment; or as necessary to comply with legally mandated government purposes, or an order of law enforcement or a court.

3. These restrictions shall apply within the corporate limits of the City of Bessemer.

4. These restrictions shall not apply to such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the citizens, including City law enforcement officers, firefighters and other public employees; doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, newspaper, magazine, radio broadcasting, and television broadcasting corporations.

5. It shall be unlawful for any person to violate any provisions of any restriction imposed by this proclamation.

6. This resolution shall become effective immediately upon its adoption as required by law.

ADOPTED this the 5th day of June, 2020.

Wanda D. Taylor
City Clerk
City of Bessemer