Legislation Text

File #: RES. 2020-R049, **Version:** 1

To authorize the Mayor of Richmond, in his capacity as Director of Emergency Management, to order the temporary removal and storage of certain statues in the City of Richmond, whose presence creates a public safety concern or necessitates their removal for their preservation, on July 1, 2020, for the safety and health of the residents of Richmond and the protection of property.

WHEREAS, on multiple occasions beginning on May 29, 2020 and continuing, some protestors have caused considerable damage to property, spray-painted City property and the property of private residents of the City of Richmond, broken windows, damaged and destroyed personal property belonging to the residents of the City of Richmond, and toppled statutes, thereby presenting a threat to public health and safety of persons and property; and

WHEREAS, by Resolution No. 2017-R045 the Council of the City of Richmond formally adopted the City of Richmond's Emergency Operations Plan ("EOP") in accordance with section 44-146.19(E) of the *Code of Virginia*, as amended, which established a single, comprehensive framework for the management of emergencies within the City and named the City of Richmond's Mayor the Director of Emergency Management; and

WHEREAS, on May 31, 2020, by Executive Order Number Sixty-Four (2020), the

Governor of the Commonwealth of Virginia, by virtue of the authority vested in him by Article V of the Constitution of Virginia, by §§ 44-146.17 and 44.75.1 of the *Code of Virginia*, and as

Governor and Director of Emergency Management and Commander-in-Chief of the Commonwealth, proclaimed a state of emergency existing in the Commonwealth because of the aforementioned civil unrest in localities to include the City of Richmond and extending said state of emergency through July 30, 2020 by Executive Order Third Amended Number Sixty-Four (2020); and

WHEREAS, by Resolution No. 2020-R041 the Council of the City of Richmond formally consented to the Mayor's declaration of local emergency as a result of the aforementioned instances of civil unrest beginning on May 29, 2020 thereby activating the City's EOP; and

WHEREAS, the section 44-146.21(C) of the *Code of Virginia* and the City's EOP specifically authorizes the Director of Emergency Management, if so authorized by the Council of the City of Richmond, to "Protect the health and safety of persons and property";

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

§ 1. That the Council of the City of Richmond recognizes that the Confederate statues owned by the City of Richmond are a flashpoint for the aforementioned civil unrest that poses a serious threat to the lives, health, and welfare of the residents of the City of Richmond and the property of the residents of the City of Richmond.

§ 2. That as a result of multiple instances of civil unrest beginning on May 29, 2020 and continuing in the City of Richmond surrounding the Confederate statues and the continuing efforts by protestors to topple them, the Confederate statues present a continuing threat to public safety as evidenced by the severe bodily harm caused to a young man in

Portsmouth, Virginia when protestors toppled a similar statue.

§ 3. That the current civil unrest has placed public and private property, including Confederate and other statues, at imminent risk of permanent damage.

§ 4. That Resolution No. 2020-R041 granted the Mayor, as Director of Emergency Management, the power and authority to immediately remove, temporarily, certain statues, including numerous Confederate statues, to protect the health and safety of persons and property in the City of Richmond and to store them pending the result of a hearing and vote of the Council of the City of Richmond in accordance with section 15.2-1812 of the *Code of Virginia* regarding the removal, relocation, contextualization, or covering of said statues.