

Resolution No. 31378

The City of Seattle – Legislative Department

Resolution sponsored by: _____

A RESOLUTION ratifying and confirming the Mayoral Proclamation which declared a civil emergency, dated May 1, 2012, the Civil Order Authorizing Confiscation of Weapons dated May 1, 2012, the Amended Civil Order Authorizing Confiscation of Weapons dated May 1, 2012, and the Mayoral Proclamation Terminating the Civil Emergency Proclamation of May 1, 2012.

Related Legislation File: _____

Date Introduced and Referred: 5.3.12	To: (committee): Special Full Council
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: May 3, 2012	Date Presented to Mayor: _____
Date Signed by Mayor: _____	Date Returned to City Clerk: May 3, 2012
Published by Title Only <input checked="" type="checkbox"/>	Date Returned Without Concurrence:
Published in Full Text _____	

Committee Action:

Date	Recommendation	Vote

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
May 3, 2012	Adopted as Amended	8-0 (excused: Contin)

RESOLUTION 31378

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3 A RESOLUTION ratifying and confirming the Mayoral Proclamation which declared a civil
4 emergency, dated May 1, 2012, the Civil Order Authorizing Confiscation of Weapons
5 dated May 1, 2012, the Amended Civil Order Authorizing Confiscation of Weapons
6 dated May 1, 2012, and the Mayoral Proclamation Terminating the Civil Emergency
7 Proclamation of May 1, 2012.

8 WHEREAS, May 1 is celebrated throughout the world as a day to recognize the economic and
9 social contributions of workers; and

10 WHEREAS, Seattle has had a long tradition of peaceful celebrations and marches on May 1 to
11 honor the labor movement and working people; and

12 WHEREAS, on May 1, 2012, many Seattle residents continued this tradition and responsibly
13 exercised their rights of free expression and assembly; and

14 WHEREAS, a small number of individuals disrupted these events with premeditated acts of
15 violence, using weapons that caused significant property damage in the downtown and
16 surrounding areas and put members of the public and law enforcement officers at risk of
17 serious physical harm; and

18 WHEREAS, on May 1, 2012, at 2:37 p.m., the Mayor issued a Mayoral Proclamation which
19 declared a civil emergency; and

20 WHEREAS, on May 1, 2012, at 3:02 p.m., the Mayor issued a Civil Order Authorizing
21 Confiscation of Weapons; and

22 WHEREAS, on May 1, 2012, at 3:57 p.m., the Mayor issued an Amended Civil Order
23 Authorizing Confiscation of Weapons; and

24 WHEREAS, on May 2, 2012, at 10:25 a.m., the Mayor issued a Mayoral Proclamation
25 Terminating the Civil Emergency; and

26 WHEREAS, the Seattle Municipal Code Sections 10.02.020, 10.02.025, and 10.02.030(B)
27 require that the Seattle City Council either ratify and confirm or reject or modify such
28 proclamations and orders at the earliest practicable time; NOW, THEREFORE,

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

Section 1: The Mayoral Proclamation which declared a civil emergency dated May 1, 2012, and attached hereto as Exhibit A, is hereby ratified and confirmed.

Section 2: The Mayor’s Civil Order Authorizing Confiscation of Weapons dated May 1, 2012, and attached hereto as Exhibit B, is hereby ratified and confirmed.

Section 3: The Mayor’s Amended Civil Order Authorizing Confiscation of Weapons dated May 1, 2012, and attached hereto as Exhibit C, is hereby ratified and confirmed.

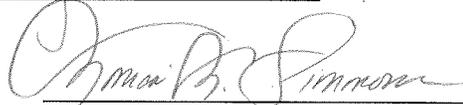
Section 4: The Mayoral Proclamation Terminating the Civil Emergency, dated May 2, 2012, and attached hereto as Exhibit D, is hereby ratified and confirmed.

Adopted by the City Council the 3rd day of May, 2012, and signed by me in open session in authentication of its adoption this 3rd day of May, 2012.



President _____ of the City Council

Filed by me this 3rd day of May, 2012.



Monica Martinez Simmons, City Clerk

(Seal)

FILED
CITY OF SEATTLE

MAYORAL PROCLAMATION

2012 MAY 1 PM 4:07
CITY CLERK
WHEREAS, the Seattle Police Department has reported to me that on May 1, 2012, there exists a direct and credible threat of imminent civil unrest causing property damage and a risk of grievous bodily harm to peaceful participants in public events today, and to Seattle Police officers; and

WHEREAS, May 1st is a date that is celebrated worldwide as a day of protest by labor groups and persons who feel disaffected and powerless in society; and

WHEREAS, the City, in support of peoples' right to lawful assembly guaranteed by the Constitution of the United States of America and the Constitution of the State of Washington, the City has issued parade and demonstration permits to groups who wish to lawfully assemble to voice their opinions, and plans to escort parades and otherwise assist in the safe and lawful right of speech and assembly; and

WHEREAS, the City recognizes that parades and demonstrations which will travel upon public streets and sidewalks during the day and in particular at the evening rush-hour, will disrupt and impair pedestrians, motorists and transit, and the City recognizes that some disruption is part of the right of free speech and lawful assembly which the City will safeguard; and

WHEREAS, Seattle Police Department officers have learned and have informed me that groups and individuals who are self-identified anarchists plan to infiltrate and mingle with groups of non-violent protestors while carrying weapons with the intention of assaulting and inflicting bodily injury upon protestors as a tactic to draw police into the crowd where they too may be assaulted; and

WHEREAS, the weapons the anarchists will bring may include tire irons, metal signs with finely sharpened edges that can be wielded like knives or thrown at people, unusually heavy-duty pieces of lumber such as bats or 2x4 inch boards that may be disguised with protest signs and can be used for infliction of serious bodily harm, and a metal wheeled cart with sharp protrusions intended to be used to ram into persons and police horses; and

WHEREAS, the Seattle Police Department has informed me that persons carrying some of the weapons described in the foregoing paragraph have been observed interspersed among the demonstrators and have been observed smashing car windows with weapons such as tire irons, and have broken windows at financial institutions and news media have reported seeing smashed windows at financial and retail establishments and have reported smashed windows and smoke at a downtown federal courthouse;

WHEREAS, the presence of large numbers in a limited space combined with the clear and present threat from armed anarchists, presents an unacceptably high risk of serious injury to innocent people including lawful protesters and police, as well as significant property damage;

NOW, THEREFORE,

Mayoral Proclamation

Page 1

I, Michael Patrick McGinn AS MAYOR OF THE CITY OF SEATTLE DO PROCLAIM THAT:

SECTION 1: CIVIL EMERGENCY POWERS

A. A civil emergency exists requiring and authorizing me to exercise the emergency powers vested in me as Mayor by RCW Chapter 38.52, the Charter of the City of Seattle, Article V, Section 2, and Seattle Municipal Code Chapter 10.02 as described in this proclamation;

B. Effective upon my signing this proclamation, I will be exercising that authority through the issuance of Executive Orders and through the use and direction of City personnel, services and equipment and additional acts necessary to the management of this emergency; and

C. Pursuant to Seattle Municipal Code section 12A.26.040, it is unlawful for anyone to fail to obey an Emergency Order issued or proclaimed by me when he or she knowingly violates any order issued under authority of sections 10.02.010 or 10.02.020 of the Seattle Municipal Code.

SECTION 2: DETERMINATION OF EMERGENCY

Based on my review of the present circumstances recited above I have determined that the foregoing described circumstances constitute a civil emergency with a high degree of risk of injury to persons, including deaths, as well as damage to property which has occurred or is likely to occur in the near future to such an extent as to require me to exercise the authority assumed in Section 1 and to take the extraordinary measures in Section 3 in order to prevent death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering.

SECTION 3: CIRCULATION

A copy of this Proclamation and any civil emergency order issued hereunder shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, a copy of this Proclamation and any civil emergency orders issued hereunder shall be made available to all news media within the City and to the general public. In order to give the widest dissemination of this Proclamation to the public, as many other available means as may be practical to use shall be used, including but not limited to posting on public facilities, computer websites, and public address systems.

SECTION 4: PRESENTATION, RATIFICATION, TERMINATION

This Proclamation shall, within 48 hours of issuance or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification, or rejection, and if rejected, shall be void. If the Council modifies or rejects this proclamation said modification or rejection shall be prospective only as provided by law and shall not affect any actions taken prior to the modification or rejection. In no case shall the City Council have any authority, during an emergency proclaimed by me pursuant to the Charter of the City of Seattle, Article V, Section 2, to impair or void my direction of the Police Department during such emergency.

This Proclamation shall be terminated by the issuance of another proclamation when I determine that extraordinary measures are no longer required for the protection of the public peace, safety and welfare, or by the passage of a termination resolution by not less than two-thirds (2/3) of all the members of the City Council. Before termination of this civil emergency I or the City Council shall consult with the Chief of Police, the Fire Chief, the Director of Public Health, and the Director of Emergency Management to determine if there are any fiscal, public safety response or disaster recovery imperatives that require the continuation of emergency measures.

I intend to consult with the City Council wherever practical and present all orders and proclamations at the earliest practicable time to the City Council for review and appropriate legislation.

DATED at Seattle, Washington, this 1st day of May, 2012, at 2:37 o'clock (~~a.m.~~/p.m.).



MICHAEL PATRICK MCGINN
MAYOR OF THE CITY OF SEATTLE

CIVIL ORDER
AUTHORIZING CONFISCATION OF WEAPONS
CITY OF SEATTLE

FILED
CITY OF SEATTLE
2012 MAY - 1 PM 4: 07
CITY CLERK

WHEREAS, in my capacity as Mayor, I issued a proclamation of civil emergency dated May 1, 2012 at 2:37 PM; and

WHEREAS, the facts stated in that proclamation continue to exist, as well as the following additional facts: individuals carrying and utilizing weapons and implements identified in the proclamation have and are presently using the same to damage private and public property including the Federal Courthouse and Wells Fargo Bank; a reporter was struck with a paint bomb; and automobiles have been damaged in the downtown core; and

WHEREAS, individuals presently engaged in this behavior do not appear to be associated with any planned, permitted event or other lawful expression of free speech or lawful assembly; and

WHEREAS, it is necessary to use extraordinary measures to protect the public peace, safety and welfare; and

WHEREAS, I believe it is in the best interest of the public safety that law enforcement be granted the authority to respond in the manner contemplated in this Civil Order; and

WHEREAS, the conditions of this Civil Order are designed to provide the least necessary restriction on the rights of the public; and

WHEREAS, the civil emergency necessitates the utilization of emergency powers granted to the Mayor pursuant to Seattle Municipal Code, Chapter 10.02 and RCW Chapter 38.52. **NOW, THEREFORE**,

I, Michael Patrick McGinn, as Mayor of The City of Seattle, do Order that:

SECTION 1:

A. A restricted area is imposed in the portion of the City defined at present as bounded approximately on the East by Interstate 5, on the South by Yesler Way, on the West by Puget Sound and on the North by Denny Way.

B. Within this zone, all persons are prohibited from possessing, transporting,

or transferring any weapon. Additionally, law enforcement shall have the authority to confiscate any weapon or implement reasonably perceived or believed to be capable of being used as a weapon, including tire-irons, clubs, metal signs, unusually heavy-duty pieces of lumber such as bats or 2x4 inch boards and other objects that can be used to inflict bodily harm or damage to property.

C. Law enforcement will use reasonable efforts to protect the rights of individuals engaged in free expression, but given the active and evolving situation the interests of public safety outweigh the use of those items for individual expression.

D. This order shall not apply to the weapons lawfully kept on business or residential premises.

SECTION 2:

Any person found to have knowingly violated this Civil Order is guilty of Failure to Obey the Mayor's Emergency Order, and upon conviction may be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than One Hundred and Eighty (180) days or both such fine and imprisonment. SMC 10.02.110; 12A.26.040.

SECTION 3:

All mayoral proclamations presently in effect shall remain in full force and effect except that, insofar as any provision of any such prior proclamation is inconsistent with any provision of this order; then the provision of this order shall control.

SECTION 4:

A copy of this Civil Order shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, a copy of this Civil Order shall be made available to all news media within the City and to the general public. In order to give the widest dissemination of this Civil Order to the public, as many other available means as may be practical shall be used, including but not limited to posting on public facilities and public address systems. SMC 10.02.100.

SECTION 5:

This Civil Order shall, within 48 hours of issuance, or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification or rejection, and if rejected this Civil Order shall be void. If the City Council rejects this Civil Order, such rejection shall not affect the City's

Order-Authorizing Confiscation of Weapons

Page 2

responsibility for any actions taken prior to the rejection of this Civil Order, including the City's responsibility for the actual costs incurred by those who were ordered by or entered into contracts with the City. SMC 10.02.020(O).

DATED at Seattle, Washington, this 1st day of May, 2012, at 302 o'clock P.M..



MICHAEL PATRICK MCGINN
MAYOR OF THE CITY OF SEATTLE

FILED
CITY OF SEATTLE

2012 MAY -1 PM 4: 07

CITY CLERK

AMENDED CIVIL ORDER

AUTHORIZING CONFISCATION OF WEAPONS

CITY OF SEATTLE

WHEREAS, in my capacity as Mayor, I issued a Mayoral Proclamation of civil emergency dated May 1, 2012 at 2:37 PM, and a Civil Order authorizing confiscation of weapons at 3:02 PM; and

WHEREAS, the facts stated in the Proclamation and Civil Order continue to exist, but planned and anticipated parade events are now expected to extend beyond the northern and southern boundaries of the restricted area defined in the Civil Order;

NOW, THEREFORE,

I, Michael Patrick McGinn, as Mayor of The City of Seattle, do Order that:

SECTION 1:

A. A restricted area is imposed in the portion of the City defined at present as bounded approximately on the East by Interstate 5, on the South by South Royal Brougham Way, on the West by Puget Sound and on the North by Roy Street.

B. Within this zone, all persons are prohibited from possessing, transporting, or transferring any weapon. Additionally, law enforcement shall have the authority to confiscate any weapon or implement reasonably perceived or believed to be capable of being used as a weapon, including tire-irons, clubs, metal signs, unusually heavy-duty pieces of lumber such as bats or 2x4 inch boards and other objects that can be used to inflict bodily harm or damage to property.

C. Law enforcement will use reasonable efforts to protect the rights of individuals engaged in free expression, but given the active and evolving situation the interests of public safety outweigh the use of those items for individual expression.

D. This order shall not apply to the weapons lawfully kept on business or residential premises.

SECTION 2:

Any person found to have knowingly violated this Civil Order is guilty of Failure to Obey the Mayor's Emergency Order, and upon conviction may be punished by a fine

of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than One Hundred and Eighty (180) days or both such fine and imprisonment. SMC 10.02.110; 12A.26.040.

SECTION 3:

All mayoral proclamations presently in effect shall remain in full force and effect except that, insofar as any provision of any such prior proclamation is inconsistent with any provision of this order, then the provision of this order shall control.

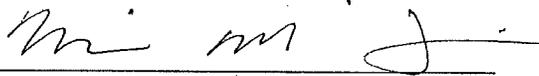
SECTION 4:

A copy of this Civil Order shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, a copy of this Civil Order shall be made available to all news media within the City and to the general public. In order to give the widest dissemination of this Civil Order to the public, as many other available means as may be practical shall be used, including but not limited to posting on public facilities and public address systems. SMC 10.02.100.

SECTION 5:

This Civil Order shall, within 48 hours of issuance, or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification or rejection, and if rejected this Civil Order shall be void. If the City Council rejects this Civil Order, such rejection shall not affect the City's responsibility for any actions taken prior to the rejection of this Civil Order, including the City's responsibility for the actual costs incurred by those who were ordered by or entered into contracts with the City. SMC 10.02.020(O).

DATED at Seattle, Washington, this 1st day of May, 2012, at 3:57 o'clock P.M.



MICHAEL PATRICK MCGINN
MAYOR OF THE CITY OF SEATTLE

FILED
CITY OF SEATTLE

**MAYORAL PROCLAMATION
TERMINATING
PROCLAMATION OF MAY 1, 2012**

2012 MAY -2 AM 10: 55

CITY CLERK

CITY OF SEATTLE

WHEREAS, on May 1, 2012 at 2:37 PM, under the authority granted to the Mayor pursuant to Seattle Municipal Code Chapter 10.02 and RCW Chapter 38.52, and based upon a direct and credible threat of imminent civil unrest causing property damage and a risk of grievous bodily harm, I issued a proclamation and orders exercising emergency powers; and

WHEREAS, I have consulted with the City's Police Chief and the Director of Emergency Management to determine whether there remain any public safety response or recovery imperatives that require the continuation of emergency measures; and

WHEREAS, based on that consultation, I conclude that the restoration of civil order has progressed sufficiently that my exercise of emergency powers is no longer needed; Now, Therefore,

I, MICHAEL PATRICK McGINN, MAYOR OF THE CITY OF SEATTLE, ACTING UNDER THE AUTHORITY OF SEATTLE MUNICIPAL CODE SECTIONS 10.02.020, 10.02.025, AND 10.02.030, AND MY MAYORAL PROCLAMATION DATED MAY 1, 2012, HEREBY PROCLAIM AND ORDER:

SECTION 1: PROCLAMATION TERMINATING PROCLAMATION OF MAY 1, 2012

The Proclamation issued on May 1, 2012 at 2:37 PM, as a result of the incidents and threats described in that Proclamation, is hereby terminated.

SECTION 2: POWERS RELINQUISHED

The powers assumed under my Proclamation of May 1, 2012 are hereby relinquished.

**SECTION 3: CIVIL ORDERS AUTHORIZING CONFISCATION OF WEAPONS
RESCINDED**

The ORDER AUTHORIZING CONFISCATION OF WEAPONS signed on May 1, 2012 at 3:02 p.m. and the AMENDED CIVIL ORDER AUTHORIZING CONFISCATION OF WEAPONS, signed on May 1, 2012 at 3:57 PM, are hereby rescinded.

SECTION 4: EFFECTIVE DATE OF TERMINATION

This Proclamation shall take effect upon my signature. The termination of my Proclamation of May 1, 2012 and the relinquishment of my emergency authority shall not affect the validity of any contracts executed by the City, any debts incurred, any expenditures made, or any actions taken while it was in effect.

SECTION 5: CIRCULATION

A copy of this Proclamation and any civil order issued hereunder shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, a copy of this Proclamation and any civil orders issued hereunder shall be made available to all news media within the City and to the general public. In order to give the widest dissemination of this Proclamation to the public, as many other available means as may be practical to use shall be used, including but not limited to posting on public facilities and public address systems.

SECTION 6: PRESENTATION, RATIFICATION, TERMINATION

This Proclamation shall, within 48 hours of issuance or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification, or rejection, and if rejected, shall be void. If the Council modifies or rejects this proclamation said modification or rejection shall be prospective only as provided by law and shall not affect any actions taken prior to the modification or rejection.

DATED this 2nd day of May, at 10:25 am/pm.



Michael Patrick McGinn, Mayor
The City of Seattle

RESOLUTION _____

A RESOLUTION Receiving and taking action on a Mayoral Proclamation of Civil
Emergency, a Civil Order, and an amended Civil Order issued by Mayor McGinn on
May 1, 2012.

WHEREAS, May 1 is celebrated throughout the world as a day to recognize the economic and
social contributions of workers; and

WHEREAS, Seattle has had a long tradition of peaceful celebrations and marches on May 1 to
honor the labor movement and working people; and

WHEREAS, on May 1, 2012, many Seattle residents continued this tradition and responsibly
exercised their rights of free expression and assembly; and

WHEREAS, a small number of individuals disrupted these events with premeditated acts of
violence, using weapons that caused significant property damage in the downtown and
surrounding areas and put members of the public and law enforcement officers at risk of
serious physical harm; and

WHEREAS, on May 1, 2012, at 2:37 p.m., the Mayor issued a Mayoral Proclamation which
declared a civil emergency; and

WHEREAS, on May 1, 2012, at 3:02 p.m., the Mayor issued a Civil Order Authorizing
Confiscation of Weapons; and

WHEREAS, on May 1, 2012, at 3:57 p.m., the Mayor issued an Amended Civil Order
Authorizing Confiscation of Weapons; and

WHEREAS, on May 2, 2012, at 10:25 a.m., the Mayor issued a Mayoral Proclamation
Terminating the Civil Emergency; and

WHEREAS, the Seattle Municipal Code Sections 10.02.020, 10.02.025, and 10.02.030(B)
require that the Seattle City Council either ratify and confirm or reject or modify such
proclamations and orders at the earliest practicable time; NOW, THEREFORE,

THIS VERSION IS NOT ADOPTED

1 BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE:

2
3 Section 1: The Mayoral Proclamation which declared a-civil emergency dated May 1,
4 2012, and attached hereto as Exhibit A, is hereby ratified and confirmed.

5
6 Section 2: The Mayor’s Civil Order Authorizing Confiscation of Weapons dated May
7 1, 2012, and attached hereto as Exhibit B, is hereby ratified and confirmed.

8
9 Section 3: The Mayor’s Amended Civil Order Authorizing Confiscation of Weapons
10 dated May 1, 2012, and attached hereto as Exhibit C, is hereby ratified and confirmed.

11
12 Section 4: The Mayoral Proclamation Terminating the Civil Emergency, dated May 2,
13 2012, and attached hereto as Exhibit D, is hereby ratified and confirmed.

14
15 Adopted by the City Council the ____ day of _____, 2012, and signed by
16 me in open session in authentication of its adoption this ____ day
17 of _____, 2012.

18 _____
19 President _____ of the City Council

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21
22 Filed by me this ____ day of _____, 2012.

23
24 _____
25 Monica Martinez Simmons, City Clerk

26 (Seal)

THIS VERSION IS NOT ADOPTED

STATE OF WASHINGTON – KING COUNTY

--SS.

284334
CITY OF SEATTLE, CLERKS OFFICE

No. 31378

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

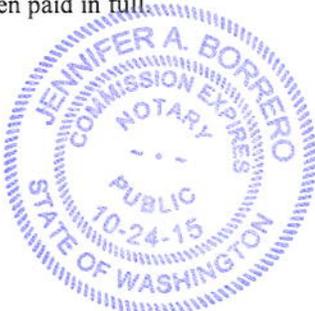
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY RESOLUTION

was published on

05/18/12

The amount of the fee charged for the foregoing publication is the sum of \$ 34.88, which amount has been paid in full.



Paula C. G. by

Subscribed and sworn to before me on
05/18/12 *[Signature]*

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

Title Only Resolution

The full text of the following legislation, passed by the City Council on May 3, 2012, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

RESOLUTION NO. 31378

A RESOLUTION receiving and taking action on a Mayoral Proclamation of Civil Emergency, a Civil Order, and an amended Civil Order issued by Mayor McGinn on May 1, 2012.

Date of publication in the Seattle Daily Journal of Commerce, May 18, 2012.

5/18(294334)