

RESOLUTION NO. 2020-073

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, TO RESOLVE THAT THE CITY OF ATASCADERO COMMITS TO ATASCADERO BEING A SAFE, INCLUSIVE AND WELCOMING COMMUNITY FOR EVERYONE AND TO FACILITATE VOLUNTARY CITIZEN ACTION TO REDACT OR REPUDIATE RACIST AND DISCRIMINATORY VERBIAGE FROM THEIR PROPERTY DEEDS

WHEREAS, the Declaration of Independence defined the United States of America as a democracy based on the unalienable rights of life, liberty and the pursuit of happiness, and government by the consent of the people; and the 14th Amendment instilled equality of the races into the US Constitution; and

WHEREAS, the City of Atascadero will steadfastly strive to ensure that they are not, either consciously or unconsciously, engaging in any form of discrimination. This takes vigilance and a willingness to monitor and review numerical data, policies, practices and decision-making processes and organizational culture. It is not acceptable from a human rights perspective for an organization to choose to remain unaware of discrimination or to fail to act when a problem comes to its attention; and

WHEREAS, the recent death of George Floyd at the hands of a Minnesota Police Officer, along with other deaths of unarmed persons of color at the hands of police in other cities, have sparked advocacy, activism, and protests across the country demanding action be taken to end the social, economic, political, health, educational and personal safety disparities that exist for people of color; and

WHEREAS, The City of Atascadero, the Atascadero Police Department and the Community at large understands the need to ensure that the use of force by police never be applied in a manner that would be excessive, unnecessary, officious or inequitable; and

WHEREAS, the City of Atascadero and the Atascadero Police Department became aware of a campaign aimed at reducing police violence, that includes banning chokeholds and strangleholds, requiring de-escalation training, requiring warning before shooting, exhaust all other means before shooting, duty to intervene when witnessing another officer using excessive force, ban on shooting at moving vehicles, requiring use of force continuum, and requiring comprehensive reporting; and

WHEREAS, the City of Atascadero and the Atascadero Police Department's Code of Ethics holds true the following statement for each officer: "I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities."; and

WHEREAS, racial discrimination is a larger problem than law enforcement and the justice system; and

WHEREAS, in alignment with the goal of creating a safe and welcoming community, we value human rights, peace, respect, inclusivity and equity; and

WHEREAS, racism and discrimination are not yet completely a thing of the past, but still exist here in Atascadero today; and violence by persons affiliated with white supremacist organizations is an active concern of law enforcement in our City and region; and

WHEREAS, the City Council of Atascadero, recognize and acknowledge, as representatives of the City of Atascadero, that the form of deed which the founders of the original Colony of Atascadero in 1913 used for lots of land in the Colony included a common but morally repugnant clause excluding all non-white races from ownership of the property covered by the deed; and

WHEREAS, such restrictions were ruled as unconstitutional by the U.S. Supreme Court in 1948, the restrictive language regrettably has been preserved, due to the need to maintain historical continuity of the records; and

WHEREAS, the City Council and City government want to proclaim for the public record that the City of Atascadero will not tolerate racial bias, and welcomes warmly and without reservation neighbors of all races and ethnicities in our community.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Atascadero:

SECTION 1. The City Council is committed to Atascadero being a welcoming, inclusive, and safe community for everyone. While we promote free thought and speech, we condemn racism and brutality, hate speech, bigotry, violence, and prejudice in any form.

SECTION 2. The City Council affirms the importance of maintaining safety for the public, bystanders and suspected or accused persons in police interactions by requiring, training for and practicing de-escalation; prohibiting chokeholds and strangleholds; employing deadly force only as a last resort, and only after warnings when possible; requiring thorough and accurate reporting and systematic review of any use of force incident; and requiring officers to intervene if they observe other officer(s) using unreasonable force, to the extent these practices are not inconsistent with state law.

SECTION 3. In the spirit of Truth and Reconciliation, the City of Atascadero wants to go on record that our City repudiates historical racial restriction on ownership, and deeply regrets that it was once considered acceptable. We also proclaim for the public record that the City of Atascadero welcomes warmly and without reservation neighbors of all races and ethnicities in our community.

SECTION 4. The City Council shall encourage and inform Atascadero landowners of the ability to redact illegal verbiage in existing property deeds, or to acknowledge the clause excluding all non-white races from ownership of property and to repudiate the clause, stating that we welcome with enthusiasm and without reservations neighbors of all races and ethnicities.

SECTION 5. The City Council shall:

1. Upon request from any property owner in the City of Atascadero the Council directs licensed notary City staff to notarize the documents required by the San Luis Obispo County Clerk to either redact or repudiate the clause excluding all non-white races from ownership of the property covered by the deed; and
2. Shall waive fees for this notary service.

PASSED AND ADOPTED at a regular meeting of the City Council held on the 13th day of October, 2020.

On motion by Council Member Funk and seconded by Mayor Moreno the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES: Council Members Bourbeau, Fonzi, Funk, Newsom and Mayor Moreno
NOES: None
ABSENT: None
ABSTAIN: None

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney