



PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY AND DECLARING A CURFEW

WHEREAS, the California Emergency Services Act, Government Code Sections 85589(c) and 8630 authorize the proclamation of a local emergency when conditions of a disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code Section 8630 such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Chapter 2.28, Section 2.28.060 of the Loma Linda Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the city is affected or likely to be affected by a public calamity and the City council is not in session; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgement of the Director of Emergency Services, the circumstances warrant it, he may issue a proclamation of local emergency which much be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, the City Manager, as Director of Emergency Services of the City of Loma Linda, in accordance with the authority provided under the above provisions of state and local law, does hereby find:

1. That the proclamation of a local emergency is warranted by virtue of the extreme peril to the safety of persons and property in the City caused by protests which started in neighboring cities and were seen in various cities throughout Southern California, resulting in damage, graffiti, looting and according to news reports, hundreds of arrests.
2. On May 30, 2020, Governor Gavin Newsom authorized assistance after a request from the city and county of Los Angeles, and proclaimed a state of emergency in Los Angeles County, citing to the civil unrest therein.

3. More protests are anticipated throughout Southern California and have the potential to arise in or near the City of Loma Linda ("City").
4. The City joins concerned community members and residents in their outrage regarding the tragic death of George Floyd in Minneapolis while in the custody of police officers. The City seeks to be an ally in the fight against racial injustice and the dismantling of systemic racism.
5. The City respects the rights of peaceful assembly and protest.
6. With liberty comes responsibility; violence directed against persons and other acts that threaten public safety, including setting of fires and throwing objects, endangers innocent persons and first responders charged with keeping the peace.
7. It has been reported that violence is being instigated by outside agitators.
8. In order to safeguard the rights of peaceful assembly and protest, to protect the safety of City residents, property and businesses as well as emergency and law enforcement providers, it is necessary to establish a curfew to quell violence and destruction of property.
9. It is the City's intent to impose only a nighttime curfew so as to leave opportunities during daytime for the voices of the protesters to make themselves heard.
10. Upon proclamation of a local emergency, the Director of Emergency Services is authorized to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency and to impose a curfew under Government Code Section 8634 and the Loma Linda Municipal Code.
11. This Proclamation and Order is adopted pursuant to the City's police powers and powers afforded to the City in time of local emergency such powers being afforded by the State Constitution, State law, and the Loma Linda Municipal Code to protect the peace, health, and safety of the public, and to protect life and property as affected by the emergency, in that this Order declares an emergency and imposes a curfew in order to restore the peace and prevent additional disturbances, looting, violence as has been seen locally in recent days.

NOW, THEREFORE, I, T. Jarb Thaipejr, Director of Emergency Services for the City of Loma Linda, do hereby issue the following order and proclamation to become effective immediately, subject to ratification within seven days by the City Council:

1. That conditions of extreme peril to the safety of persons and property have arisen within and around the City of Loma Linda, caused by potential civil unrest and disturbances, and violence.
2. That the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency and imposition of a curfew.
3. That said local emergency shall be deemed to continue and shall be brought before the City Council within seven days for ratification.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout the City of Loma Linda; and

BE IT FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, ordinances, and resolutions of this City, and by the City of Loma Linda Emergency Plan.

1. Curfew. A curfew is hereby in effect starting June 1, 2020 at 6:00 p.m. daily and ending at 5:00 a.m., and during which no person shall be upon the public street, avenue, alley, park, or other public place or unimproved public realty. This curfew shall not apply to the Loma Linda Police Department, firefighters, or other emergency personnel or civilians engaged in police or emergency work, nor shall it apply to authorized representatives of any news service, newspaper, or radio or television station or network, or persons travelling to or from work or religious meetings.
2. That law enforcement forces of this City, along with the law enforcement authorities cooperating with the City, are hereby authorized and charged, to the extent provided by law, with the responsibility of enforcing this curfew and are further authorized to arrest such persons as do not obey this curfew after due notice, oral or written, has been given to said citizen. Any person not abiding by this declaration is subject to punishment in accordance with State law, and in accordance with the Loma Linda Municipal Code enforcement provisions.
3. This curfew shall remain in effect until such time as it is terminated by either the Director of Emergency Services or the City Council, or the termination or expiration of the local emergency. The Director of Emergency Services is directed to announce the curfew and penalties for violating the curfew on the city's website and other available messaging options.
4. Severability. If any provision of this Proclamation or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Proclamation are declared to be severable.

Signed this 1st day of June 2020
Time: 2:30 p.m.



T. Jarb Thajpejr, Director of Emergency Services