

ORDER NO. 2020-06-05
OF THE DIRECTOR OF EMERGENCY SERVICES
FOR THE CITY OF SAN FERNANDO AMENDING
ORDER NO. 2020-06-04
(Govt. Code Section 8634 and SFMC 26-62 and 26-63)

WHEREAS, pursuant to Sections 2.36.060 and 2.36.070 of the San Fernando Municipal Code, the City Manager of the City of San Fernando is designated the “Director of Emergency Services” (hereinafter, the “Director”) and as such is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by any proclamation of local emergency or by the proclamation of a “state of emergency by the Governor or the Director of the State Office of Emergency Services; and

WHEREAS, per Section 2.36.120 of the San Fernando Municipal Code, the Director is empowered upon the declaration of a local emergency or a declaration of a state of emergency to establish and enforce a curfew subject to the terms and conditions set forth under Section 2.36.120 of the San Fernando Municipal Code; and

WHEREAS, on May 31, 2020, the City Manager, as the Director of Emergency Services, proclaimed the existence of a local emergency as the City of San Fernando is potentially subject to violent protests in reaction to the tragic death of George Floyd on May 25, 2020 (For purposes of this Order No. 2020-06-05, the May 31, 2020 Proclamation of the Director of Emergency Services is hereinafter referred to as the “Director’s Proclamation”); and

WHEREAS, the City Council of the City of San Fernando, at its Regular meeting of June 1, 2020 pursuant to Government Code Section 54954(b)(2), added unpublished business Item 8 to its Regular Meeting agenda for the purpose ratifying the Director’s Proclamation as required by Section 2.36.070(A)(1) of the San Fernando Municipal Code and subsequently approved its ratification, subject to modification by unanimous vote of those present.

WHEREAS, Government Code Section 8634 provides in relevant part:

“During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice. The authorization granted by this chapter to impose a curfew shall not be construed as restricting in any manner the existing authority of counties and cities and any city and county to impose pursuant to the police power a curfew for any other lawful purpose.”

WHEREAS, on June 2, 2020, the Director issued Order No. 2020-06-02 that, among other actions, ordered that a curfew shall extend for an additional period of time

commencing at 6:00PM on June 3, 2020 and extended to 6:00AM on June 4, 2020, unless otherwise determined by the Director.

WHEREAS, on June 3, 2020, the Director issued Order No. 2020-06-03 that, among other actions, amended Order No. 2020-06-02 to declare a curfew commencing at 9:00PM on June 3, 2020 and extended to 5:00AM on June 4, 2020.

WHEREAS, on June 4, 2020, the Director issued Order No. 2020-06-04 that, among other actions, amended Order No. 2020-06-03 to declare the following curfews:

- a. Commencing at 9:00PM on June 4, 2020 and ending on June 5, 2020 at 5:00AM;
- b. Commencing at 10:00PM on June 5, 2020 and ending on June 6, 2020 at 5:00AM;
- c. Commencing at 10:00PM on June 6, 2020 and ending on June 7, 2020 at 5:00AM;
- d. Commencing at 10:00PM on June 7, 2020 and ending on June 8, 2020 at 5:00AM.

WHEREAS, under conditions of the emergency, it is deemed necessary in the interest of public safety to restrict the use of certain public areas of the City; and

WHEREAS, life and property are deemed to be in peril and speed is of the essence; and

WHEREAS, the Chief of Police has determined that the safety of the public, and public and private property, requires the imposition of a curfew; and

WHEREAS, it is imminently necessary to use extraordinary measures to protect public peace, safety and welfare.

NOW, THEREFORE, IT IS HEREBY ORDERED by the Director of Emergency Services:

1. The findings the Director's Proclamation are incorporated herein by reference.
2. The following curfews set forth under prior Order No. 2020-06-05 are hereby rescinded: :
 - a. The curfew commencing at 10:00PM on June 5, 2020 and ending on June 6, 2020 at 5:00AM;
 - b. The curfew commencing at 10:00PM on June 6, 2020 and ending on June 7, 2020 at 5:00AM; and
 - c. The curfew commencing at 10:00PM on June 7, 2020 and ending on June 8, 2020 at 5:00AM.

3. All other terms in Order No. 2020-06-04 remain in effect.

Date: June 5, 2020



Nick Kimball
Emergency Services Director/
City Manager