

RESOLUTION NO. 20-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN CLEMENTE, DECLARING A LOCAL EMERGENCY
AND IMPOSING A CURFEW

WHEREAS, on September 23, 2020 a man was fatally shot in an Orange County Sheriff Deputy-involved shooting in the City;

WHEREAS, in response to the shooting, a number of protests are scheduled for today in the City;

WHEREAS, in recent months, similar protest events in cities across California and the United States have been accompanied by, although unrelated to the protests, physical harm to persons and property reportedly committed by outside agitators;

WHEREAS, the City respects and celebrates the people's First Amendment rights to peacefully assemble and protest;

WHEREAS, to safeguard these rights, to protect the safety of City residents, property, and businesses, as well as to protect the safety of emergency and law enforcement providers, it is necessary to declare a local emergency and impose a curfew to control violence and destruction of property;

WHEREAS, the City's intent is to impose only a nighttime curfew so as to leave opportunities during daytime for the voices of the protesters to make themselves heard;

WHEREAS, Government Code Section 8630 and San Clemente Municipal Code chapter 8.12 empower the City Council to proclaim the existence of a local emergency to protect and preserve public welfare when the City is affected or likely to be affected by a public calamity;

WHEREAS, pursuant to Government Code section 8634, the City may impose a curfew within designated boundaries where necessary to preserve the public order and safety; and

WHEREAS, this resolution is adopted pursuant to the City's police powers and other powers afforded by Article XI, Section 7 of the California Constitution, the California Emergency Services Act (Gov. Code, § 8550 et seq.), Chapter 8.12 of the San Clemente Municipal Code, and any other law to protect the peace, health, and safety of the public, and to protect life and property.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Clemente, California resolves as follows:

Section 1. Declaration of Local Emergency

Pursuant to California Government Code section 8630 and San Clemente Municipal Code Chapter 8.12, the City Council hereby finds and declares and ratifies a local emergency caused by conditions or threatened conditions of harm to persons or property reportedly committed by outside agitators accompanying, although unrelated to, the protests.

Section 2. Director of Emergency Services

The City Council hereby appoints the Interim City Manager as the Director of Emergency Services and hereby authorizes the Interim City Manager to furnish information, to promulgate orders and regulations necessary to provide for the protection of life and property pursuant to California Government Code section 8634, to enter into agreements and to take all actions necessary to obtain State emergency assistance to implement preventive measures to protect and preserve the residents of the City within the scope of the local emergency hereby declared.

Section 3. Duration of Local Emergency

The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

Section 4. Curfew

A curfew is hereby in effect starting daily at 9 p.m., ending at 6 a.m. and applies only to those areas shown on the maps in Exhibit A to this order. During the curfew, 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 Orange County Sheriff's 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.

Section 5. Enforcement of Curfew

The 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 guilty of a misdemeanor and subject to punishment in accordance with San Clemente Municipal Code chapter 8.12.

Section 6. Duration of Curfew

This curfew shall remain in effect until such time as the City Council at a noticed special meeting on Friday, September 25, 2020 can determine whether the conditions giving rise to this declaration still exist and whether its continuation is still warranted.

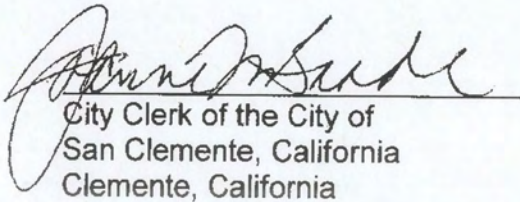
Section 7. Powers of Local Government

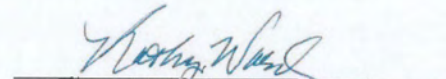
During the existence of said local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, ordinances, and resolutions of this City of San Clemente.

Section 8. Certification

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ATTEST:


City Clerk of the City of
San Clemente, California
Clemente, California


COUNCILMEMBER WARD
on behalf of MAYOR PRO
TEM LAURA FERGUSON

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

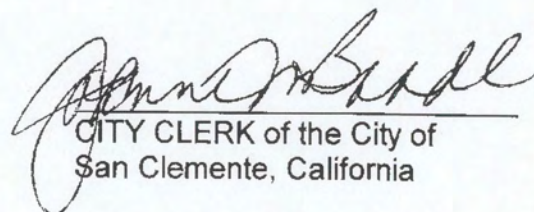
I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 20-55 was adopted at an emergency meeting of the City Council of the City of San Clemente held on the 24th day of September, 2020, by the following vote:

AYES: HAMM, JAMES, WARD

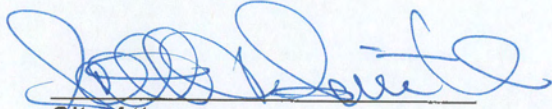
NOES: FERGUSON

ABSENT: NONE

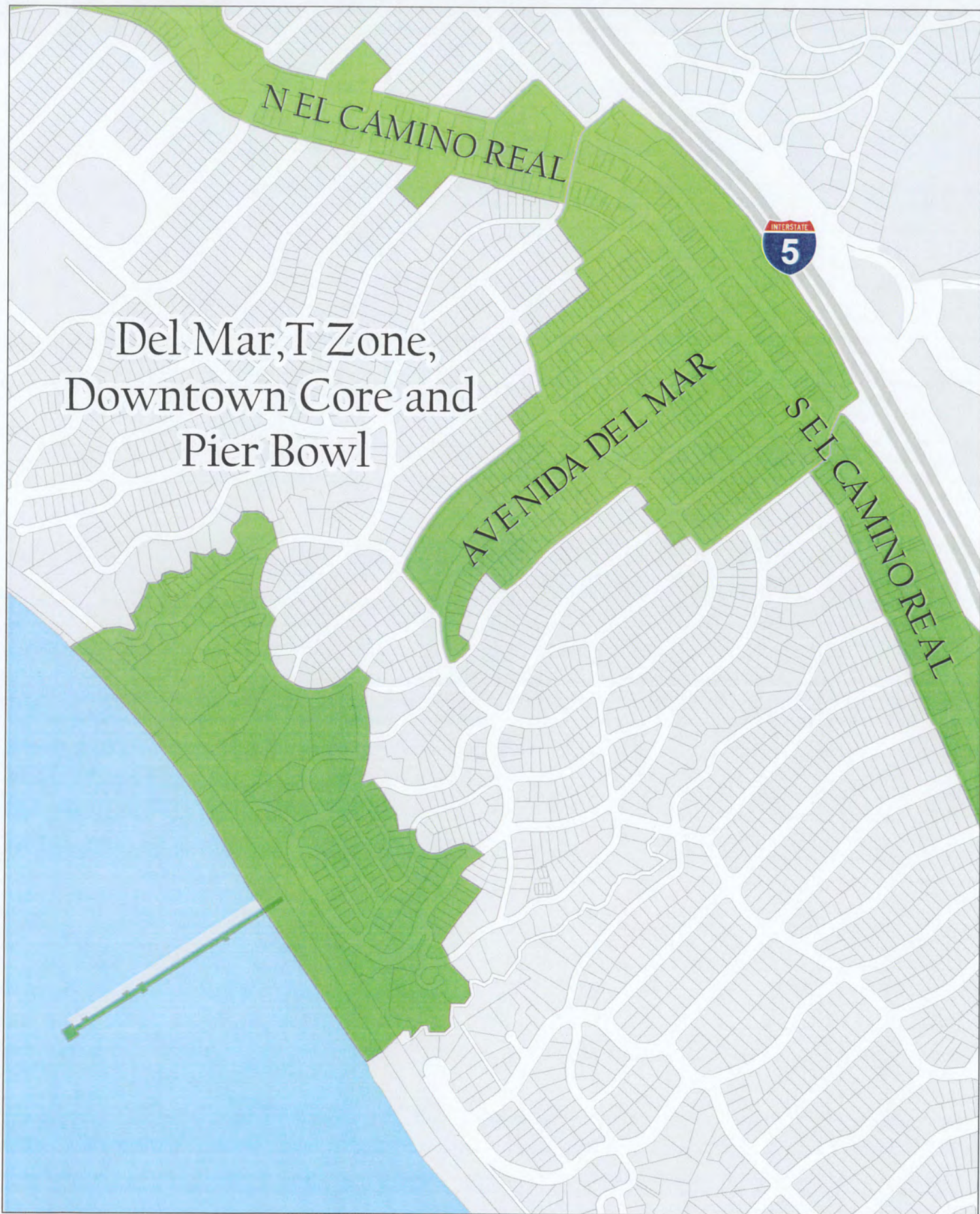
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this 24TH day of September, 2020.


CITY CLERK of the City of
San Clemente, California

Approved as to form:



City Attorney

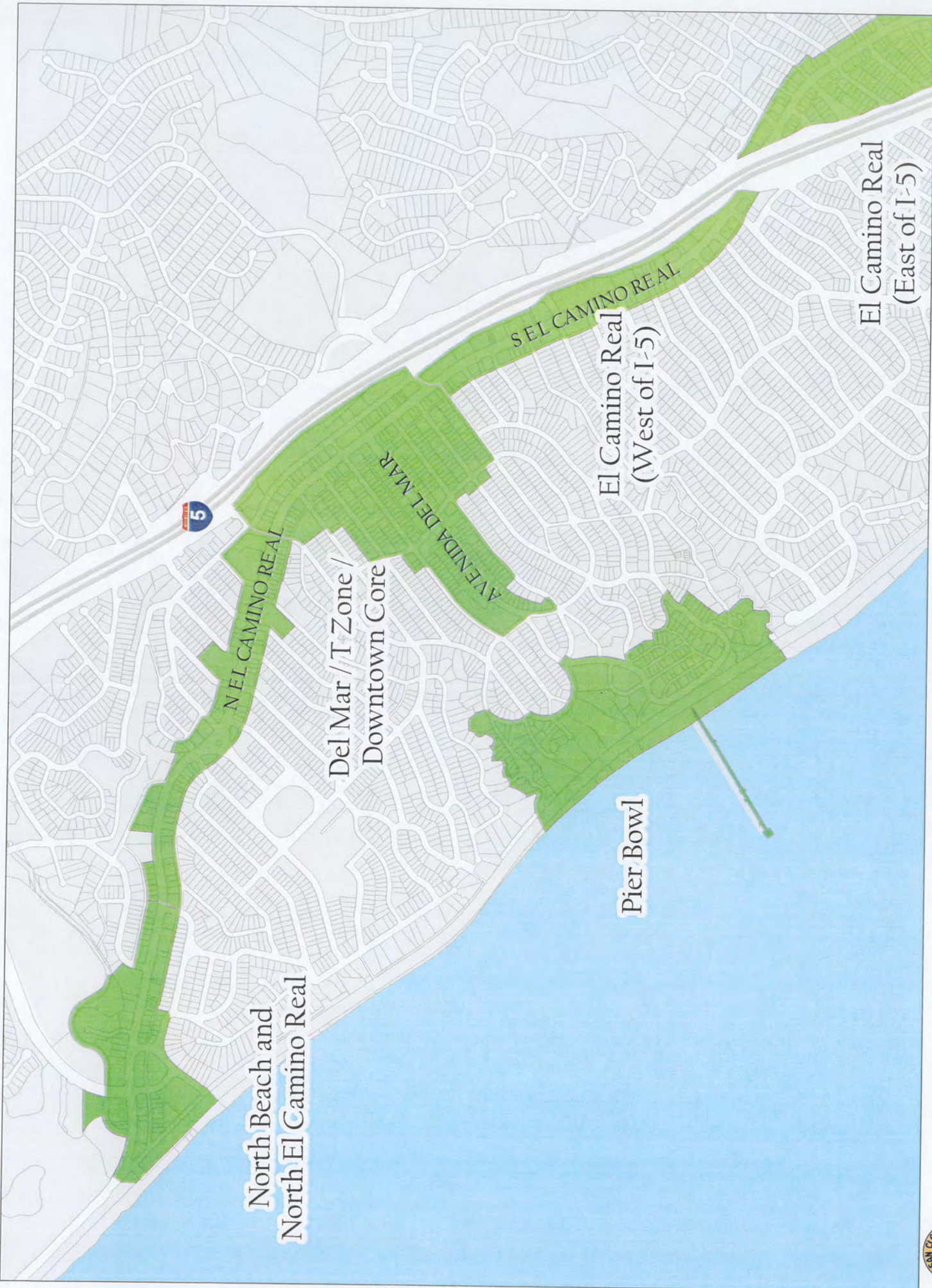


Del Mar, T Zone,
Downtown Core and
Pier Bowl

CURFEW RESTRICTED AREAS

Del Mar, T Zone, Downtown Core and Pier Bowl





North Beach and
North El Camino Real

Del Mar / T Zone /
Downtown Core

Pier Bowl

El Camino Real
(West of I-5)

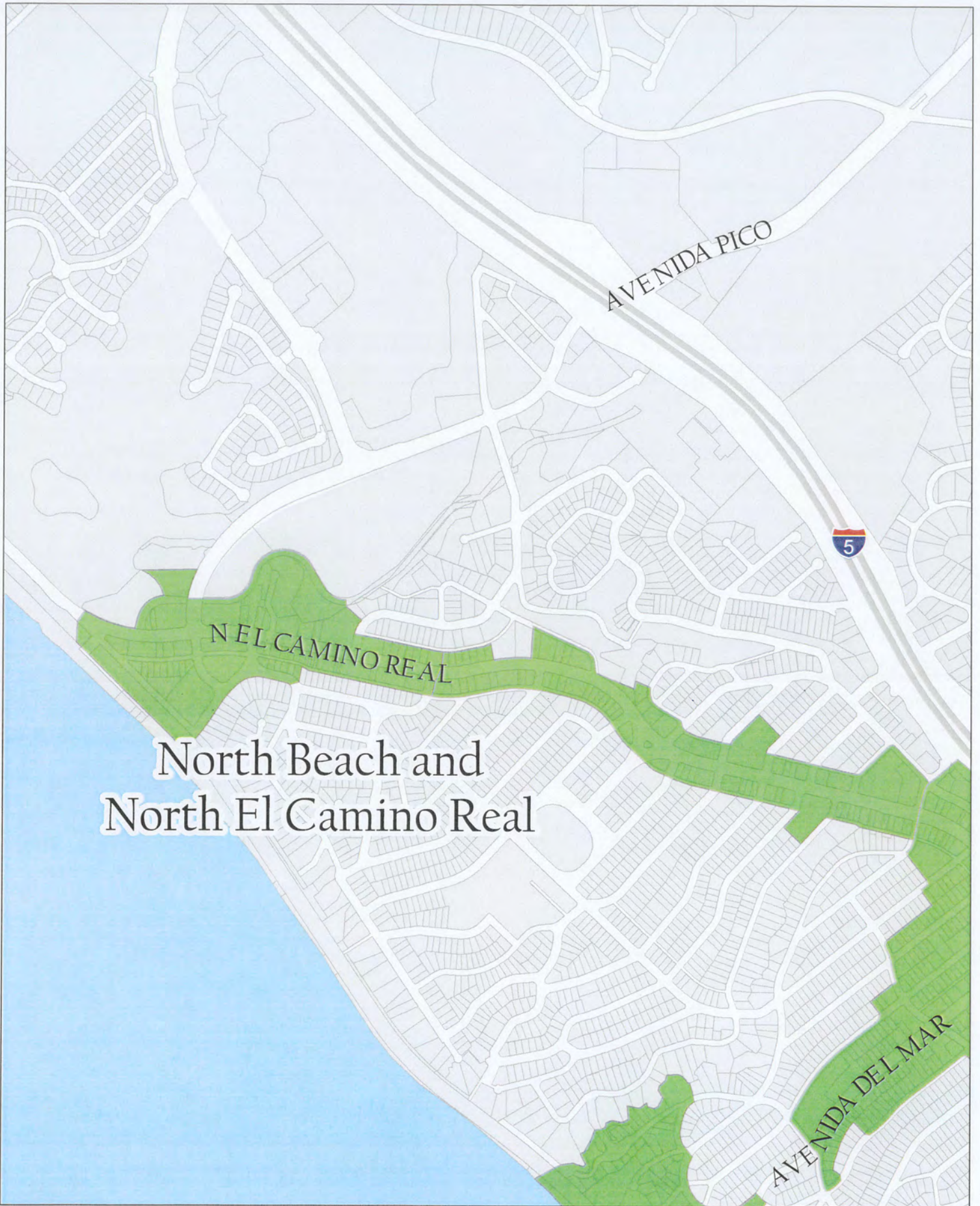
El Camino Real
(East of I-5)

CURFEW RESTRICTED AREAS





CURFEW RESTRICTED AREAS
South El Camino Real (West and East of Interstate 5)



North Beach and
North El Camino Real



CURFEW RESTRICTED AREAS
North Beach and North El Camino Real