

CITY OF TUSTIN EXECUTIVE ORDER

MAY 31, 2020

AN EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF TUSTIN ORDERING A CURFEW BEGINNING AT 9:00 PM SUNDAY, MAY 31, 2020 AND CONTINUING UNTIL MONDAY, JUNE 1, 2020 AT 5:30 AM IN RESPONSE TO CIVIL UNREST

Under authority contained in California Government Code Sections 8610 through 8634 and Tustin City Code Sections 5204 and 5205, and acting in my capacity as the Director of Emergency Services for the City of Tustin, I have on this 31st day of May, 2020, declared the existence of a local emergency in the City of Tustin and I am empowered, upon proclamation of such an emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency.

WHEREAS, California Government Code Section 8610 *et seq.*, including Section 8558(c), authorizes the City Manager Acting as the Director of Emergency Services to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property caused by conditions such as riots within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, the City of Tustin is a densely populated city within Orange County, which is the sixth largest county in the United States; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen due to the occurrence of civil unrest, large-scale vandalism of property, and exposure of peace officers and the public to violence in the neighboring city of Santa Ana and other nearby jurisdictions, as well as other cities nationwide including but not limited to Santa Monica and Long Beach; and

WHEREAS, in the evening of Saturday, May 30, 2020 and into the early morning of Sunday, May 31, 2020, several hundred protestors gathered in Santa Ana with some throwing rocks, bottles and mortars and igniting fireworks in the direction of police officers.

WHEREAS, Tustin Police Officers were requested to join Santa Ana Police in addressing the civil unrest on May 30-31 and Tustin and other police officers were targeted with the rocks and other projectiles during the civil unrest;

WHEREAS, at the time noted above, public and private properties were vandalized and looting occurred during this civil unrest; and

WHEREAS, civil unrest constitutes a local emergency; and

WHEREAS, numerous cities in the Southern California area including Santa Ana have imposed curfews to curb the civil unrest so it is proper and prudent for Tustin to similarly impose a curfew to protect the safety of life and property in Tustin and to implement proactive measures to reduce the possibility of civil disobedience, vandalism, looting, and rioting resulting in property damage and threats to the health and safety of the citizens;

WHEREAS, such conditions are beyond the control of the services, personnel, equipment, and facilities of the City of Tustin and require the combined forces of other political subdivisions to combat; and

WHEREAS the Director of Emergency Services in the City of Santa Ana has declared a curfew between the hours of 10:00 PM Sunday, May 31, 2020 and continuing until Monday, June 1, 2020 at 5:00 a.m.; and

WHEREAS, it is imperative to prepare for and respond to civil unrest involving rioting, looting and assaults on property and persons to protect the lives and property of the residents of Tustin; and

WHEREAS, the current circumstances give rise to a City-wide emergency necessitating swift government action to preserve the safety and wellbeing of the citizenry and their property;

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully responding to civil unrest; and

WHEREAS, the City Manager, acting as the Director of Emergency Services, has the power to declare a local emergency as authorized by California Government Code Section 8630 and Tustin Municipal Code Sections 5204 and 5205(a)(1), and the authority to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

NOW, THEREFORE, I, MATTHEW S. WEST, THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF TUSTIN, DO HEREBY ISSUE THE FOLLOWING ORDERS TO BECOME EFFECTIVE IMMEDIATELY:

SECTION 1.

- A. Nighttime curfew: effective May 31, 2020 at 9:30 p.m. a curfew is imposed in all public places within the City of Tustin and continuing until 5:30 a.m. on Monday, June 1, 2020.
- B. Travel: During this curfew, all persons must not travel on any public street or public place.

- C. Exemptions: All law enforcement, fire and medical personnel, City personnel, as well as other personnel authorized by the Tustin Police Department and credentialed members of the services are also exempt. Individuals seeking emergency care, fleeing danger, or experiencing homelessness, and having to travel to and from employment and religious services are also exempt. The Chief of Police may designate additional exempt personnel.
- D. Definitions: For purposes of this Executive Order:
- a. "Travel" includes, without limitation, travel on foot, bicycle, skateboard, scooter, motorcycle, automobile, or public transit, or any other mode of transporting a person from one location to another.
 - b. "Public Place" means any place, whether on privately or publicly owned property, accessible to the general public, including but not limited to public streets, roads, alleys, highways, sidewalks, parks, vacant lots and unsupervised property.

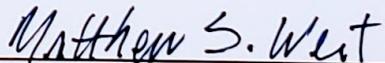
SECTION 2. The City's law enforcement personnel and law enforcement personnel cooperating with the City are hereby authorized and charged, to the extent provided by law, with the responsibility of enforcing this curfew and are further authorized to arrest such persons as do not obey this curfew after 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 the Tustin Municipal Code enforcement provisions.

SECTION 3. This Order shall be superseded by a duly enacted action of the City Council or a further Order by the Director of Emergency Services adopted during the local emergency expressly superseding this Order.

SECTION 4. This Order shall become effective immediately, and shall remain in effect until 5:30 AM on Monday, June 1, 2020, unless extended by the Director of Emergency Services or the City Council.

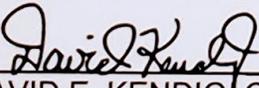
SECTION 5. If any section, subsection, sentence, clause, phrase or word of this Order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction such decision shall not affect the remaining provisions of this order.

APPROVED AND ADOPTED this 31st day of May, 2020.



MATTHEW S. WEST, DIRECTOR OF
EMERGENCY SERVICES

APPROVED AS TO FORM:



DAVID E. KENDIG, CITY ATTORNEY