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June 5, 2020

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt Resolution of the City Council of the City of Long Beach ratifying the Director of Civil Defense's proclamation of the existence of a local emergency and confirming the Director's regulations proclaiming local emergency curfews. (Citywide)

DISCUSSION

On May 25, 2020, George Floyd tragically died in Minneapolis, Minnesota, shortly after his detention and arrest by the Minneapolis Police Department resulting in nationwide grief, as well as widespread demonstrations. Despite the peaceful intentions and actions of the majority of protestors, many areas around the country, including Los Angeles County, faced civil unrest including but not limited to acts of arson, vandalism, assault, rioting, and looting. On May 30, 2020, due to ongoing acts of civil unrest and limited local resources, Governor Gavin Newsom proclaimed a State of Emergency for all of Los Angeles County in accordance with the California Emergency Services Act, and directed all residents to heed the advice of local emergency officials with respect to the emergency existing by virtue of said civil unrest.

Section 2.69.060 of the Long Beach Municipal Code (LBMC) empowers the Director of Civil Defense (City Manager) to proclaim, when the City Council is not in session, the existence or threatened existence of a local emergency when the City is affected or is likely to be affected by a public calamity. On May 31, 2020, it was found that conditions of extreme peril to the safety of persons and property were threatened to and did arise within the City as a result of civil unrest.

Accordingly, the City Manager proclaimed the existence of a local emergency within the City on May 31, 2020 (Attachment A). The City Manager also issued multiple City curfews prohibiting persons from being or traveling upon public ways or places, except for certain individuals including but not limited to law enforcement and firefighting personnel, persons providing or seeking emergency care, and persons traveling to and from their place of employment, as follows:

- A citywide curfew which commenced at 8:00 p.m. on May 31, 2020, and expired at 5:00 a.m. on June 1, 2020 (Attachment B);
- A citywide curfew which commenced at 4:00 p.m., and a curfew which commenced at 1:00 p.m. in certain business districts, on June 1, 2020, and expired at 5:00 a.m. on June 2, 2020. (Attachment C);
- A citywide curfew which commenced at 6:00 p.m. on June 2, 2020, and expired at 6:00 a.m. on June 3, 2020 (Attachment D); and
- A citywide curfew which commenced on June 3, 2020, at 9:00 p.m., and expired on June 4, 2020, at 5:00 a.m. (Attachment E).

Today's action requests that the City Council pass a Resolution to ratify the City Manager's proclamation of the existence of a local emergency and confirm the City Manager's local emergency curfew regulations. This Resolution would further declare that the local emergency will continue until it is terminated by the City Council, and that the City Council will continue to review the need for this local emergency at least every fourteen (14) days.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By:


MONICA J. KILAITA
Deputy City Attorney

MJK:mb
01155860.docx; A20-03571

Attachments:

Attachment A – City Manager Proclamation of Local Emergency
Attachment B – City Manager Regulation of Local Emergency Curfew
Attachment C – City Manager Regulation of Extended/Additional Local Emergency Curfews
Attachment D – City Manager Regulation of Extended/Additional Local Emergency Curfew
Attachment E – City Manager Regulation of Extended/Additional Local Emergency Curfew
Resolution Ratifying Local Emergency and Confirming Curfew Regulations

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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3 A PROCLAMATION BY THE CITY MANAGER OF THE
4 CITY OF LONG BEACH ACTING IN HIS CAPACITY AS
5 THE DIRECTOR OF CIVIL DEFENSE OF THE CITY OF
6 LONG BEACH DECLARING THE EXISTENCE OF A
7 LOCAL EMERGENCY
8

9 WHEREAS, on May 25, 2020, George Floyd tragically died in Minneapolis,
10 Minnesota, shortly after his detention and arrest by the Minneapolis Police Department,
11 resulting in nationwide demonstrations and, in some areas, civil unrest; and

12 WHEREAS, on May 30, 2020, due to ongoing acts of civil unrest and limited
13 local resources, Governor Gavin Newsom proclaimed a State of Emergency for all of Los
14 Angeles County in accordance with the California Emergency Services Act (in particular,
15 Government Code section 8625), and directed all residents to heed the advice of local
16 emergency officials with respect to the emergency existing by virtue of said civil unrest;
17 and

18 WHEREAS, Long Beach Municipal Code Chapter 2.69 empowers the
19 Director of Civil Defense (City Manager) to proclaim, subject to ratification by the City
20 Council within seven days, the existence or threatened existence of a local emergency
21 when said City is affected or likely to be affected by a disaster or major emergency and the
22 City Council is not in session; and

23 WHEREAS, the Director of Civil Defense of the City of Long Beach hereby
24 finds that an extreme threat to life, safety, and property now exists, or is threatened to exist,
25 in the City due to civil unrest following the tragic death of George Floyd; and

26 WHEREAS, the City Council of the City of Long Beach is not in session and
27 cannot immediately be called into session, and the aforementioned conditions of extreme
28 threat to public health and safety warrant and necessitate that the Director of Civil Defense

1 proclaim the existence of a local emergency; and

2 WHEREAS, as the Director of Civil Defense of the City of Long Beach, I do
3 hereby find:

4 As contemplated by the Emergency Services Act set forth in
5 Government Code Section 8550 et seq., including Section 8558(c), the following condition
6 exists, or is threatened to exist: civil unrest, including but not limited to acts of arson, looting,
7 assaults, vandalism, and rioting.

8 The aforesaid condition commenced, or existence of said condition
9 became threatened, on or about the 31st day of May 2020; and

10 The area of the City which is endangered/imperiled, or is anticipated
11 to be endangered/imperiled, is throughout the entire City of Long Beach.

12 NOW, THEREFORE, I HEREBY PROCLAIM that a local emergency now
13 exists in the City of Long Beach.

14 I HEREBY PROCLAIM AND ORDER that during the existence of said local
15 emergency, the powers, functions, and duties of the emergency organization of this City
16 shall be those prescribed by state law, by ordinances, and resolutions of the City of Long
17 Beach and previously approved by the City Council.

18 I HEREBY FURTHER PROCLAIM AND ORDER that said local emergency
19 shall be deemed to continue to exist until its termination is proclaimed by the City Council
20 of the City of Long Beach, State of California. The City Council shall review the need for
21 continuing this local emergency at least every 14 days and shall terminate it at the earliest
22 possible date the condition(s) warrant.

23
24 DATED this 31st day of May 2020.

25 
26 _____
27 Director of Civil Defense / City Manager
28

OFFICE OF THE CITY ATTORNEY
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411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

REGULATION OF THE CITY MANAGER OF THE CITY OF
LONG BEACH ACTING IN HIS CAPACITY AS THE
DIRECTOR OF CIVIL DEFENSE OF THE CITY OF LONG
BEACH PROCLAIMING A LOCAL EMERGENCY CURFEW

As the Director of Civil Defense of the City of Long Beach, by virtue of the power vested in me by the provisions of Section 2.69.070 of the Long Beach Municipal Code and relevant provisions of the California Government Code, including but not limited to Section 8634, and my related Proclamation of Local Emergency issued on May 31, 2020, together with Governor Gavin Newsom's Proclamation of a State of Emergency in Los Angeles County resulting from ongoing acts of civil unrest and limited local resources, as issued by the Governor on May 30, 2020, I do hereby make, order, and promulgate the following Regulation to be effective immediately in the City of Long Beach, to wit:

1. Curfew is hereby ordered from 8:00 p.m. to 5:00 a.m. within the City of Long Beach, effective immediately.

2. No persons shall travel or be upon the public streets, avenues, alleys, parks, ways, or any other public place in the City of Long Beach between the hours of 8:00 p.m. and 5:00 a.m. for the duration of this curfew, except as expressly authorized herein. For purposes of this curfew regulation, "travel" shall include, but is not limited to, traveling on foot, bicycle, skateboard, scooter, motorcycle, or automobile, or any other means of conveyance.

3. Law enforcement personnel are hereby authorized and charged with the responsibility of enforcing this curfew regulation, and are further authorized to arrest any such person that fails to obey this curfew regulation after due notice, oral or written, as has been given to said person, in accordance with applicable law, including but not limited to Long Beach Municipal Code Sections 1.32.010 and 2.69.110.B, which together deem any act in violation of this curfew regulation a misdemeanor.

4. Law enforcement personnel, firefighting personnel, emergency health care providers, emergency medical personnel, civilians engaged in police or emergency work, individuals seeking emergency care, individuals traveling to and from their place of employment, and representatives of the media are exempt from this Regulation.

5. This Regulation shall remain in effect until 5:00 a.m. on June 1, 2020, and widespread publicity and notice shall be given of said Regulation through the most feasible and adequate means of disseminating such information and notice throughout the City of Long Beach.

DATED this 31st day of May 2020.



Director of Civil Defense / City Manager

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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REGULATION OF THE CITY MANAGER OF THE CITY OF
LONG BEACH ACTING IN HIS CAPACITY AS THE
DIRECTOR OF CIVIL DEFENSE OF THE CITY OF LONG
BEACH PROCLAIMING EXTENDED AND ADDITIONAL
LOCAL EMERGENCY CURFEWS

As the Director of Civil Defense of the City of Long Beach, by virtue of the power vested in me by the provisions of Section 2.69.070 of the Long Beach Municipal Code and relevant provisions of the California Government Code, including but not limited to Section 8634, and my related Proclamation of Local Emergency issued on May 31, 2020, together with Governor Gavin Newsom's Proclamation of a State of Emergency in Los Angeles County resulting from ongoing acts of civil unrest and limited local resources, as issued by the Governor on May 30, 2020, I do hereby make, order, and promulgate the following Regulation to be effective immediately in the City of Long Beach, to wit:

1. Curfews are hereby ordered as follows, effective immediately:

A. From 4:00 p.m. to 5:00 a.m. within the City of Long Beach's jurisdictional boundaries; and

B. From 1:00 p.m. to 5:00 a.m. within the boundaries of the following [Business Improvement Districts \(BIDs\)](#)¹ or other business districts of the City of Long Beach as follows:

- i. Belmont Shore PBIA/ Naples
- ii. Bixby Knolls PBIA
- iii. Downtown Long Beach PBIA
- iv. Downtown Long Beach PBID
- v. East Anaheim PBIA

¹ See <http://www.longbeach.gov/economicdevelopment/business-development/business-improvement-districts/> for more information on BIDs, including maps

- vi. Fourth Street PBIA
- vii. Long Beach Tourism BIA - Downtown
- viii. Long Beach Tourism BIA - Airport
- ix. Magnolia Industrial Group PBID
- x. Midtown PBID
- xi. Uptown PBID
- xii. The Pike
- xiii. Long Beach Towne Center
- xiv. Douglas Park Business District
- xv. 2ND & PCH

These curfews shall extend and/or be in addition to any prior curfew regulation(s) issued during this local emergency.

2. No persons shall travel or be upon the public streets, avenues, alleys, parks, ways, or any other public place in the City of Long Beach, or the specified BID as applicable, for the duration of the curfews specified in Paragraph 1, except as expressly authorized herein. For purposes of this curfew regulation, "travel" shall include, but is not limited to, traveling on foot, bicycle, skateboard, scooter, motorcycle, or automobile, or any other means of conveyance.

3. Law enforcement personnel are hereby authorized and charged with the responsibility of enforcing this regulation ordering curfews, and are further authorized to arrest any such person that fails to obey this regulation ordering curfews after due notice, oral or written, as has been given to said person, in accordance with applicable law, including but not limited to Long Beach Municipal Code Sections 1.32.010 and 2.69.110.B, which together deem any act in violation of this regulation ordering curfews a misdemeanor.

4. Law enforcement personnel, firefighting personnel, emergency health care providers, emergency medical personnel, civilians engaged in police or emergency work, individuals seeking emergency care, individuals traveling to and from their place of

1 employment, representatives of the media, businesses closing up their operation(s), and
2 persons assisting with clean-up efforts of any destruction resulting from civil unrest are
3 exempt from this Regulation.

4 5. This Regulation shall remain in effect until 5:00 a.m. on June 2, 2020,
5 and widespread publicity and notice shall be given of said Regulation through the most
6 feasible and adequate means of disseminating such information and notice throughout the
7 City of Long Beach.

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9 DATED this 1st day of June 2020.

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11 _____
12 Director of Civil Defense / City Manager

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

REGULATION OF THE CITY MANAGER OF THE CITY OF
LONG BEACH ACTING IN HIS CAPACITY AS THE
DIRECTOR OF CIVIL DEFENSE OF THE CITY OF LONG
BEACH PROCLAIMING EXTENDED/ADDITIONAL
LOCAL EMERGENCY CURFEW

As the Director of Civil Defense of the City of Long Beach, by virtue of the power vested in me by the provisions of Section 2.69.070 of the Long Beach Municipal Code and relevant provisions of the California Government Code, including but not limited to Section 8634, and my related Proclamation of Local Emergency issued on May 31, 2020, together with Governor Gavin Newsom's Proclamation of a State of Emergency in Los Angeles County resulting from ongoing acts of civil unrest and limited local resources, as issued by the Governor on May 30, 2020, I do hereby make, order, and promulgate the following Regulation to be effective immediately in the City of Long Beach, to wit:

1. Curfew is hereby ordered from 6:00 p.m. to 6:00 a.m. within the City of Long Beach, effective immediately. This curfew shall extend and be in addition to any prior curfew regulation issued during this local emergency.

2. No persons shall travel or be upon the public streets, avenues, alleys, parks, ways, or any other public place in the City of Long Beach between the hours of 6:00 p.m. and 6:00 a.m. for the duration of this curfew, except as expressly authorized herein. For purposes of this curfew regulation, "travel" shall include, but is not limited to, traveling on foot, bicycle, skateboard, scooter, motorcycle, or automobile, or any other means of conveyance.

3. Law enforcement personnel are hereby authorized and charged with the responsibility of enforcing this curfew regulation, and are further authorized to arrest any such person that fails to obey this curfew regulation after due notice, oral or written, as has been given to said person, in accordance with applicable law, including but not limited

1 to Long Beach Municipal Code Sections 1.32.010 and 2.69.110.B, which together deem
2 any act in violation of this curfew regulation a misdemeanor.

3 4. Law enforcement personnel, firefighting personnel, emergency health
4 care providers, emergency medical personnel, civilians engaged in police or emergency
5 work, individuals seeking emergency care, individuals traveling to and from their place of
6 employment, representatives of the media, businesses closing up their operation(s),
7 persons experiencing homelessness without access to viable shelter, and persons
8 assisting with clean-up efforts of any destruction resulting from civil unrest are exempt from
9 this Regulation.

10 5. This Regulation shall supersede any existing Regulation, including
11 promulgated City Health Orders, for the time it remains in effect.

12 6. This Regulation shall remain in effect until 6:00 a.m. on June 3, 2020,
13 and widespread publicity and notice shall be given of said Regulation through the most
14 feasible and adequate means of disseminating such information and notice throughout the
15 City of Long Beach.

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18 DATED this 2nd day of June 2020.

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21 Director of Civil Defense / City Manager
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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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REGULATION OF THE CITY MANAGER OF THE CITY OF
LONG BEACH ACTING IN HIS CAPACITY AS THE
DIRECTOR OF CIVIL DEFENSE OF THE CITY OF LONG
BEACH PROCLAIMING EXTENDED/ADDITIONAL
LOCAL EMERGENCY CURFEW

As the Director of Civil Defense of the City of Long Beach, by virtue of the power vested in me by the provisions of Section 2.69.070 of the Long Beach Municipal Code and relevant provisions of the California Government Code, including but not limited to Section 8634, and my related Proclamation of Local Emergency issued on May 31, 2020, together with Governor Gavin Newsom's Proclamation of a State of Emergency in Los Angeles County resulting from ongoing acts of civil unrest and limited local resources, as issued by the Governor on May 30, 2020, I do hereby make, order, and promulgate the following Regulation to be effective immediately in the City of Long Beach, to wit:

1. Curfew is hereby ordered from 9:00 p.m. to 5:00 a.m. within the City of Long Beach, effective immediately. This curfew shall extend and be in addition to any prior curfew regulation issued during this local emergency.

2. No persons shall travel or be upon the public streets, avenues, alleys, parks, ways, or any other public place in the City of Long Beach between the hours of 9:00 p.m. and 5:00 a.m. for the duration of this curfew, except as expressly authorized herein. For purposes of this curfew regulation, "travel" shall include, but is not limited to, traveling on foot, bicycle, skateboard, scooter, motorcycle, or automobile, or any other means of conveyance. Street closures will occur for the duration of this curfew to be authorized by the Director of Civil Defense or designee.

3. Law enforcement personnel are hereby authorized and charged with the responsibility of enforcing this curfew regulation, and are further authorized to arrest any such person that fails to obey this curfew regulation after due notice, oral or written, as

1 has been given to said person, in accordance with applicable law, including but not limited
2 to Long Beach Municipal Code Sections 1.32.010 and 2.69.110.B, which together deem
3 any act in violation of this curfew regulation a misdemeanor.

4 4. Law enforcement personnel, firefighting personnel, emergency health
5 care providers, emergency medical personnel, civilians engaged in police or emergency
6 work, individuals seeking emergency care, individuals traveling to and from their place of
7 employment, representatives of the media, businesses closing up their operation(s),
8 persons experiencing homelessness without access to viable shelter, commercial trucking
9 and delivery services, and persons assisting with clean-up efforts of any destruction
10 resulting from civil unrest are exempt from this Regulation.

11 5. This Regulation shall supersede any existing Regulation, including
12 promulgated City Health Orders, for the time it remains in effect.

13 6. This Regulation shall remain in effect until 5:00 a.m. on June 4, 2020,
14 and widespread publicity and notice shall be given of said Regulation through the most
15 feasible and adequate means of disseminating such information and notice throughout the
16 City of Long Beach.

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19 DATED this 3rd day of June 2020.

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22 Director of Civil Defense / City Manager
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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH RATIFYING THE DIRECTOR OF
CIVIL DEFENSE'S PROCLAMATION OF THE EXISTENCE
OF A LOCAL EMERGENCY AND CONFIRMING THE
DIRECTOR'S REGULATIONS PROCLAIMING LOCAL
EMERGENCY CURFEWS

WHEREAS, on May 25, 2020, George Floyd tragically died in Minneapolis, Minnesota, shortly after his detention and arrest by the Minneapolis Police Department resulting in nationwide grief, as well as widespread demonstrations;

WHEREAS, unfortunately, despite the peaceful intentions and actions of the majority of protestors, many areas around the country, including Los Angeles County, faced and continue to face actual or threatened civil unrest including but not limited to acts of arson, vandalism, rioting, assault, and looting; and

WHEREAS, on May 30, 2020, due to ongoing acts of civil unrest and limited local resources, Governor Gavin Newsom proclaimed a State of Emergency for all of Los Angeles County in accordance with the California Emergency Services Act (in particular, Government Code section 8625), and directed all residents to heed the advice of local emergency officials with respect to the emergency existing by virtue of said civil unrest; and

WHEREAS, Section 2.69.060 of the Long Beach Municipal Code empowers the Director of Civil Defense (City Manager) of the City of Long Beach to proclaim, when the Long Beach City Council is not in session, the existence or threatened existence of a local emergency when said City is affected or likely to be affected by a public calamity; and

WHEREAS, conditions of extreme peril to the safety of persons and property were anticipated to and did so arise within the City caused by civil unrest, including but not

1 limited to arson, vandalism, and looting, commencing on or about May 31, 2020, following
2 demonstrations; and

3 WHEREAS, the Council does hereby find that the aforesaid conditions of
4 extreme peril did warrant and necessitate the proclamation of the existence of a local
5 emergency, and other emergency actions as deemed necessary; and

6 WHEREAS, the Director of Civil Defense of the City of Long Beach did
7 proclaim the existence of a local emergency within the City on May 31, 2020; and

8 WHEREAS, the Director of Civil Defense of the City of Long Beach did issue
9 regulations proclaiming local emergency curfews within the City commencing on May 31,
10 2020, and ending on June 4, 2020, and may continue to issue such curfew regulations as
11 he may deem necessary in accordance with his authorized duties, to be later confirmed by
12 the City Council at the earliest time practicable;

13 NOW THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that
14 said proclamation of existence of a local emergency, as issued by the Director of Civil
15 Defense on May 31, 2020, is hereby ratified by the City Council pursuant to Section
16 2.69.060(B)(1) of the Long Beach Municipal Code; and

17 IT IS FURTHER PROCLAIMED AND ORDERED that said local emergency
18 shall be deemed to continue to exist until its termination is proclaimed by the City Council.
19 The City Council shall review the need for continuing this local emergency at least every
20 14 days and shall terminate it at the earliest possible date the conditions warrant; and

21 IT IS FURTHER PROCLAIMED AND ORDERED that pursuant to Section
22 2.69.070(A) of the Long Beach Municipal Code, the City Council hereby confirms the local
23 emergency curfews, as issued by the Director of Civil Defense, which ordered that all
24 persons, except certain individuals such as law enforcement and firefighting personnel,
25 emergency health care providers, emergency medical personnel, civilians engaged in
26 police or emergency work, individuals seeking emergency care, individuals traveling to and
27 from their place of employment, representatives of the media, businesses closing up their
28 operation(s), persons experiencing homelessness and without viable access to shelter,

commercial trucking and delivery services, and persons assisting with clean-up efforts of any destruction resulting from civil unrest, are prohibited from being or traveling upon the public streets, avenues, alleys, parks, or any other public place, during the following dates and times and at the following locations:

(1) Commencing on May 31, 2020, at 8:00 p.m., and expiring on June 1, 2020, at 5:00 a.m., citywide;

(2) Commencing on June 1, 2020, at 4:00 p.m., and expiring on June 2, 2020, at 5:00 a.m., citywide;

(3) Commencing on June 1, 2020, at 1:00 p.m., and expiring on June 2, 2020, at 5:00 a.m., within the boundaries of the following Business Improvement Districts (BIDs) or other business districts of the City of Long Beach as follows:

- a. Belmont Shore PBIA/ Naples
- b. Bixby Knolls PBIA
- c. Downtown Long Beach PBIA
- d. Downtown Long Beach PBID
- e. East Anaheim PBIA
- f. Fourth Street PBIA
- g. Long Beach Tourism BIA - Downtown
- h. Long Beach Tourism BIA - Airport
- i. Magnolia Industrial Group PBID
- j. Midtown PBID
- k. Uptown PBID
- l. The Pike
- m. Long Beach Towne Center
- n. Douglas Park Business District
- o. 2ND & PCH; and

(4) Commencing on June 2, 2020, at 6:00 p.m., and expiring on June 3, 2020, at 6:00 a.m., citywide; and

1 (5) Commencing on June 3, 2020, at 9:00 p.m., and expiring on June 4, 2020,
2 at 5:00 a.m., citywide.

3 The Director of Civil Defense may issue additional curfew or other Regulations
4 pursuant to his authority under Long Beach Municipal Code Section 2.69.070(A) and as he
5 may deem necessary during the existence of this local emergency, and such Regulations
6 shall be confirmed by the City Council at the soonest time practicable.

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Ayes:	Councilmembers:	<hr/> <hr/> <hr/> <hr/>
Noes:	Councilmembers:	<hr/> <hr/>
Absent:	Councilmembers:	<hr/> <hr/>
Recusal(s)	Councilmembers:	<hr/> <hr/> <hr/>
		<hr/> City Clerk