



# LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

Streaming Link:

<https://www.facebook.com/CityofLodi/>

<https://zoom.us/j/93455719476?pwd=NDdhc1E4OEZyYWV3d2pDY1U5SjVZZz09>

**AGENDA**  
**Special Meeting**  
Date: July 27, 2021  
Time: 7:00 a.m.

## SPECIAL NOTICE

**Effective immediately and while social distancing measures are imposed, Council chambers will be closed to the public during meetings of the Lodi City Council.**

**The following alternatives are available to members of the public to watch Council meetings and provide comments on agenda and non-agenda items before and during the meetings.**

### Viewing:

Members of the public may view and listen to the open session of the meeting at <https://www.facebook.com/CityofLodi/>; or

Please click the link below to join the meeting:

<https://zoom.us/j/93455719476?pwd=NDdhc1E4OEZyYWV3d2pDY1U5SjVZZz09>

Passcode: 583605

Or iPhone one-tap :

US: +16699009128,,97500264844#

Or Telephone: Dial: US +1 669 900 9128

Webinar ID: 934 5571 9476

### Public Comment:

Members of the public can send written comments to the City Council prior to the meeting by emailing [councilcomments@lodi.gov](mailto:councilcomments@lodi.gov). These emails will be provided to the members of the City Council and will become part of the official record of the meeting.

Members of the public who wish to verbally address the City Council during the meeting should email those comments to [councilcomments@lodi.gov](mailto:councilcomments@lodi.gov). Comments must be received before the Mayor or Chair announces that the time for public comment is closed. The Assistant City Clerk will read three minutes of each email into the public record. **IMPORTANT:** Identify the Agenda Item Number or Oral Communications in the subject line of your email. Example: Public Comment for Agenda Item Number C-17. Members of the public may also participate via Zoom at the following link: <https://zoom.us/j/93455719476?pwd=NDdhc1E4OEZyYWV3d2pDY1U5SjVZZz09>

Pursuant to the Americans with Disabilities Act (ADA) and Executive Order N-29-20, if you need special assistance to provide public comment in this meeting, please contact the Office of the City Clerk at (209) 333-6702 or [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov) at least 48 hours prior to the meeting in order for the City to make reasonable alternative arrangements for you to communicate your comments. If you need special assistance in this meeting for purposes other than providing public comment, please contact the Office of the City Clerk at (209) 333-6702 or [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov) at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.160 (b) (1)).

## SPECIAL TELECONFERENCE NOTICE

### Pursuant to Executive Order N-29-20:

The Brown Act, Government Code Section 54953, contains special requirements that apply when members of a legislative body participate in a public meeting by telephone. Certain of these requirements have been suspended by Paragraph 3 of Executive Order N-29-20, executed by the Governor of California on March 17, 2020, to mitigate the spread of Coronavirus (COVID-19). In particular, the Executive Order suspends that provision of the Brown Act that requires noticing, posting of agendas, and public access to each location where a member will be participating telephonically, as well as provisions that require physical presence of members of the legislative body or the public for purposes of a quorum or to hold a meeting. Executive Order N-29-20 allows an agency to conduct a teleconference meeting that provides members of the public telephonic or other electronic participation in place of making a physical location for the public to observe the meeting and provide public comment, consistent with other provisions of the Brown Act.

For information regarding this Agenda please contact:  
**Jennifer Cusmir**  
**City Clerk**  
**Telephone: (209) 333-6702**

### Informal Informational Meeting

**A. Roll Call by City Clerk**

**B. Topic(s)**

Res. B-1 Adopt Resolution Reaffirming Ratification of City Manager’s Proclamation Finding Continued Existence of Local Emergency and Rendering Certain Emergency Orders (CA)

**C. Comments by Public on Non-Agenda Items**

**D. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

\_\_\_\_\_  
Jennifer Cusmir  
City Clerk

*All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk’s Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Jennifer Cusmir at (209) 333-6702. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Jennifer Cusmir (209) 333-6702.*



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Adopt Resolution Reaffirming the Ratification of the City Manager’s Proclamation Finding the Continued Existence of a Local Emergency and Rendering Certain Emergency Orders

**MEETING DATE:** July 27, 2021 – Special Meeting

**PREPARED BY:** City Attorney

---

**RECOMMENDED ACTION:** Adopt a resolution reaffirming the ratification of the City Manager’s proclamation finding the continued existence of a local emergency and rendering certain emergency orders.

**BACKGROUND INFORMATION:** At 8:00 a.m. on March 16, 2020, the City Manager declared a Local Emergency pursuant to his authority under Lodi Municipal Code section 2.32.060(A)(1). The declaration was confirmed by the City Council on March 18, 2020 (Gov. Code §8630). The actions were taken in response to an outbreak of Novel Coronavirus Disease (COVID-19) in San Joaquin County.

As the result of significantly reduced cases and fatalities from COVID-19 and high statewide vaccination rates for those over 12-years of age, Governor Newsom signed an executive order, that became effective June 15, terminating the March 19, 2020 stay-at-home order and the August 28, 2020 *California’s Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe* (Blueprint) consisting four color-coded tiers. The Governor plans to sunset other executive orders in phases in July and September. The State’s “state of emergency” will remain in place through at least September to allow the Governor the ability to declare new rules and regulations in response to the COVID-19 pandemic.

As of June 15, California re-opened its economy by allowing full capacity for business operations within the State.

COVID-19 is an infectious disease that causes respiratory illness and, in some cases, can result in lung lesions and pneumonia. Experts believe that a large majority of those infected will have mild cases that often resemble the flu; however, some will have more serious symptoms requiring hospitalization, particularly individuals who are over 65 years of age or have underlying chronic health conditions or immunodeficiency. More widely transmissible variants of the coronavirus are currently in California and spread quickly among children and adults.

Vaccines in the State are now available to those 12-years and older and to date more than 70% of eligible residents are at least partially vaccinated. The City has implemented a Council approved program to incentivize citizens to obtain the vaccine and has continued its social media outreach.

---

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

As of June 19, the county's 7-day average positivity rate was 3.2%, but as of July 21 the rate is 8% (under the Blueprint that would fall within the Purple (widespread) Tier). In the last three weeks hospitalizations rates in San Joaquin County have doubled and 53 individuals are confirmed with cases of the COVID-19 delta variant. The delta variant is now dominant in the County and the State and is highly transmissible.

San Joaquin County Public Health is now advising all residents, vaccinated or not, to wear masks indoors out of a growing concern of the spread of the more infectious COVID-19 delta variant.

Based on the status of the pandemic within the County and City, staff recommends reaffirming the declaration of emergency originally issued on March 16, 2020.

FEMA will continue to reimburse for qualified expenses related to the pandemic incurred through September 30, 2021.

**Staff Recommendation:**

Staff recommends that the City Council reaffirm its ratification of the City Manager's declaration of a local emergency.

**FUNDING:** The reaffirmation of the ratification of the City Manager's declaration of Local Emergency allows the City to continue to access federal, state and county resources, including financial reimbursements.

---

Janice D. Magdich  
City Attorney

Attachment:

- 1) Resolution Reaffirming the Ratification of the Proclamation of the Director of Emergency Services for the City of Lodi Concerning the Existence of a Local Emergency

RESOLUTION NO. 2021-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
REAFFIRMING THE RATIFICATION OF THE PROCLAMATION OF THE  
DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF LODI  
CONCERNING THE CONTINUED EXISTENCE OF A  
LOCAL EMERGENCY

=====

WHEREAS, Government Code Section 8630 and Lodi Municipal Code Section 2.32.060 authorizes the City Manager as the Director of Emergency Services to proclaim a local emergency under certain circumstances if the City Council is not in session, and provides that the City Council shall ratify the proclamation within seven (7) days thereafter; and

WHEREAS, an outbreak of Novel Coronavirus Disease (COVID-19) has spread throughout numerous countries and across the United States; and

WHEREAS, as of June 22, 2021, there have been over 34.2 million cases of COVID-19 in the United States, resulting in over 610,000 deaths, including 64,146 deaths in the State of California and 1,446 in San Joaquin County; and

WHEREAS, COVID-19 is an infectious disease that causes respiratory illness, and in some cases can result in lung lesions and pneumonia. Experts believe that a large majority of those infected will have mild cases that often resemble the flu; however, some will have more serious symptoms requiring hospitalization, particularly individuals who are elderly or have underlying chronic health conditions or immunodeficiency; and

WHEREAS, it is imperative for the City to continue to prepare for and be positioned to respond to suspected or confirmed cases of COVID-19, and its variants, to implement measures to mitigate the spread of COVID-19 and its variants within our community, and prepare to respond to an increasing number of persons requiring medical care or hospitalization; and

WHEREAS, on January 23, 2020, the federal Centers for Disease Control and Prevention (CDC) activated its emergency response system to provide ongoing support for the response to COVID-19 in the United States; and

WHEREAS, on January 31, 2020, the Secretary of the federal Department of Health and Human Services declared a public health emergency in the United States of America to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency in California after making a determination that:

1. The conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and
2. Local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared Novel Coronavirus Disease (COVID-19) a "public health emergency of international concern" and referenced the event as a pandemic; and

WHEREAS, on March 12, 2020, San Joaquin County Public Health Services (PHS) declared a local health emergency pursuant to Health & Safety Code Section 101080; and

WHEREAS, on March 12, 2020, at 10:00 a.m., the City of Lodi opened its Emergency Operations Center (EOC); and

WHEREAS, on March 13, 2020, the President of the United States of America declared a National State of Emergency in response to the spread of COVID-19 within the United States; and

WHEREAS, Lodi Municipal Code Section 2.32.050 designates the City Manager as the Director of Emergency Services for the City of Lodi; and

WHEREAS, Lodi Municipal Code Section 2.32.060(A)(1) authorizes the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency in the event the City Council is not in session; and

WHEREAS, Lodi Municipal Code section 2.32.020 defines an emergency to mean:

“The actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this city, requiring the combined forces of other political subdivisions to combat. It shall not include nor does any provision of this chapter apply to any condition relating to a labor controversy.” and

WHEREAS, on March 18, 2020, the Lodi City Council ratified the Proclamation of the existence of a local emergency issued by the City Manager in his role as the City’s Director of Emergency Services on March 16, 2020 at 8:00 a.m.; and

WHEREAS, on April 15, 2020, May 6, 2020, June 3, 2020, June 30, 2020, July 28, 2020, August 19, 2020, September 16, 2020, October 7, 2020, November 4, 2020, December 2, 2020, December 22, 2020, January 20, 2021, February 17, 2021, March 17, 2021, April 13, 2021, May 5, 2021, June 2, 2021, and June 29, 2021, the City Council reaffirmed the ratification of the proclamation as required by the Government Code; and

WHEREAS, as of July 21, 2021, there have been a total of 76,034 confirmed cases of COVID-19 in San Joaquin County and 1,446 COVID-19 fatalities; and

WHEREAS, on March 20, 2020, the Public Health Officer of San Joaquin County issued a Stay-At-Home order. The order was superseded by subsequent orders dated March 21, 2020, March 26, 2020, April 14, 2020, an amendment to the April 14, 2020 order issued on April 24, 2020. The April 14, 2020 order remains in effect until such time as it is rescinded by the County’s Public Health Officer, subject to subsequent orders allowing for the opening of various sectors of the economy, referenced under the State’s Pandemic Roadmap to Recovery Plan as Phases 1, 2, and 3. San Joaquin County was in mid-Phase 3 of the State’s Pandemic Roadmap; however the significant increase in COVID-19 cases and hospitalizations has resulted in the issuance of a new County order to reclose certain industries and activities unless they can be modified to operate outside or by pick-up. The City is continuing to work with local businesses to facilitate outside operations. County Public Health continues to caution that the rate of infections and deaths in San Joaquin County necessitate a firm, carefully planned, and managed response and therefore the reopening of the economy has been modified. The City is continuing to work with local businesses to facilitate outside operations as permitted; and

WHEREAS, On August 28, 2020, Governor Newsom announced *California’s Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe* (Blueprint). The Blueprint consists of four color-coded tiers, Widespread – Tier 1 (purple), Substantial – Tier 2 (red), Moderate – Tier 3 (orange), and Minimal – Tier 4 (yellow); and

WHEREAS, on August 31, 2020, San Joaquin County Public Health issued a new order in conformance with the Blueprint. Of note, salons and barbershops can operate indoors under the Blueprint's Tier 1 (purple) criteria, so long as the State's guidance for business operations applicable to salons and barbershops is followed. In addition, the County also issued a corrected order applicable to bars, pubs, brewpubs, and breweries. The order states that those businesses must abide by the State's order issued on August 28, 2020. Brewpubs, bars, breweries and pubs are permitted to continue outdoor service of alcohol only when it is served with a "sit-down dine-in meal," meaning the alcohol is an accompaniment to the meal. On September 22, 2020, the State announced that nail salons could operate indoors in all tiers, so long as State Guidelines are followed. As of October 20, 2020, the State announced that personnel care services, including skin care, hair removal and tattoo could open in all tiers, with the requirement that State Guidelines are adhered to; and

WHEREAS, on September 29, 2020, San Joaquin County moved from the Tier 1 (purple) to Tier 2 (red) on September 29, 2020; and

WHEREAS, on November 17, 2020, as a result of an increase in the COVID-19 positivity rate, San Joaquin County returned to Tier 1 (purple) meaning that sectors of the economy that opened under Tier 2 (red) were shuttered or could only operate outdoors under state guidelines, such as places of worship, restaurants, gyms and fitness studios. Movie theatres and museums were again closed. Schools in San Joaquin County that were open for in-person instruction as of November 16, 2020 in conformance with County Public Health and following State guidelines, remained open; and

WHEREAS, on December 3, 2020, due to a significant increase in statewide COVID-19 hospitalizations the Governor announced a Regional Stay Home Order and a supplemental order on December 6, the orders go into effect at 11:59 PM the day after a region has been announced to have less than 15% ICU availability. The supplemental order clarified retail operations and went into effect immediately. The orders prohibit private gatherings of any size, close sector operations except for critical infrastructure and retail, and require 100% masking and physical distancing in all others; and

WHEREAS, as a result of the ICU capacity falling below 15% the San Joaquin Region consisting of Calaveras, Fresno, Kern, Kings, Madera, Mariposa, Merced, San Benito, San Joaquin, Stanislaus, Tulare, Tuolumne counties, the Regional Stay Home Order became effective at 11:59 PM December 6; and

WHEREAS, the 4-week projection for the San Joaquin Region was projected to meet the criteria to exit the Regional Stay at Home order, effective January 25, 2021, San Joaquin County returned to the Purple Tier (widespread); and

WHEREAS, as of April 6, 2021, San Joaquin County moved to the Red (substantial) Tier, and the Orange (moderate) Tier on June 2, 2021; and

WHEREAS, as of June 15, 2021, the Governor announced the re-opening of California's economy and end of the March 19, 2020 stay-at-home order; and

WHEREAS the March 4, 2020 declaration of statewide emergency remains in effect; and

WHEREAS, as part of the City's response to the current emergency, the City participated in the State's Great Plates Delivered program, from its inception through July 7, 2021. The program currently supported just over 500 qualified adults 65 years and older and adults 60-64 who are at high-risk from COVID-19, in staying home and receiving the delivery of three meals each day. The program also provided economic stimulus to 4 participating local businesses and their workers; and

WHEREAS, the 7-day average positivity rate in San Joaquin County has risen from 3.2% as of June 19, 2021 to 8.0% as of July 21, 2021, and in the three week period ending July 20, 2021 the

hospitalization rates in the County have doubled and 53 individuals are confirmed with cases of the COVID-19 delta variant; and

WHEREAS, San Joaquin County Public Health is now advising all residents, vaccinated or not, to wear masks indoors out of a growing concern of the spread of the more infectious COVID-19 delta variant; and

WHEREAS, the Lodi City Council does hereby find that the aforesaid conditions of extreme peril warrant and necessitate the continued existence of a local emergency.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby reaffirm the ratification of the City Manager's Proclamation of the existence of a local emergency issued in his role as the City's Director of Emergency Services on March 16, 2020 at 8:00 a.m., attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED by the Lodi City Council that, until the local emergency is terminated, the powers, functions, and duties of the City Manager/Director of Emergency Services and the emergency organization of the City of Lodi shall be those as prescribed by State law and the ordinances, resolutions, and approved emergency services plan of the City of Lodi as determined by the City Manager/Director of Emergency Services within the National Incident Management System; and

BE IT FURTHER RESOLVED that the Purchasing System set forth in Lodi Municipal Code Chapter 3.20 remains reinstated; and

BE IT FURTHER RESOLVED that disclosure of the purchase of goods and services in an amount over \$10,000, and related to the City's response to the local emergency resulting from the COVID-19 pandemic, will be submitted to the City Council concurrent with the Council's reaffirmation of the ratification of the Proclamation declaring the existence of a local emergency. State law requires that the City Council ratify the Proclamation every thirty (30) days hereafter until the local emergency is terminated.

Dated: July 27, 2021

=====

I hereby certify that Resolution No. 2021-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 27, 2021, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

JENNIFER CUSMIR  
City Clerk

Approved as to Form:

\_\_\_\_\_  
JANICE D. MAGDICH  
City Attorney

2021-\_\_\_\_

**Proclamation of the Director of Emergency  
Services for the City of Lodi Finding the  
Existence of a Local Emergency (COVID-19)  
AMENDED TO CORRECT DATE OF ISSUANCE**

=====

WHEREAS, an outbreak of Novel Coronavirus Disease (COVID-19) has spread throughout numerous countries and across the United States of America; and

WHEREAS, COVID-19 is an infectious disease that causes respiratory illness, and in some cases can result in lung lesions and pneumonia. Experts believe that a large majority of those infected will have mild cases that often resemble the flu; however, some will have more serious symptoms requiring hospitalization, particularly individuals who are elderly or have underlying chronic health conditions or immunodeficiency; and

WHEREAS, it is imperative for the City to prepare for and be in a position to respond to suspected or confirmed cases of COVID-19 to implement measures to mitigate the spread of COVID-19 within our community, and prepare to respond to an increasing number of persons requiring medical care or hospitalization; and

WHEREAS, on January 23, 2020, the federal Centers for Disease Control and Prevention (CDC) activated its emergency response system to provide ongoing support for the response to COVID-19 in the United States; and

WHEREAS, on January 31, 2020, the Secretary of the federal Department of Health and Human Services declared a public health emergency in the United States of America to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency in California after making a determination that:

1. The conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and
2. Local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared Novel Coronavirus Disease (COVID-19) a "public health emergency of international concern" and referenced the event as a pandemic; and

WHEREAS, on March 12, 2020, San Joaquin County Public Health Services (PHS) declared a local health emergency pursuant to Health & Safety Code Section 101080; and

WHEREAS, the City of Lodi activated its Emergency Operations Center (EOC) effective 9:00 a.m. on March 12, 2020; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a National state of emergency in response to the spread of COVID-19 within the United States; and

WHEREAS, as of March 13, 2020, there are eight (8) confirmed cases of COVID-19 in San Joaquin County and some evidence of community spread; and

WHEREAS, Lodi Municipal Code Section 2.32.050 designates the City Manager as the Director of Emergency Services for the City of Lodi; and

WHEREAS, Lodi Municipal Code Section 2.32.060(A)(1) authorizes the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency in the event the City Council is not in session; and

WHEREAS, Lodi Municipal Code section 2.32.020 defines an emergency to mean:

"[T]he actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this city, requiring the combined forces of other political subdivisions to combat. It shall not include nor does any provision of this chapter apply to any condition relating to a labor controversy."

NOW, THEREFORE, THE UNDERSIGNED HEREBY FINDS, DETERMINES AND DECLARES that:

1. The federal Centers for Disease Control and Prevention (CDC) announced on February 25, 2020, that community spread of COVID-19 is likely to occur in the United States; and
2. San Joaquin County Public Health Services (PHS) declared a local health emergency pursuant to Health & Safety Code Section 101080 on March 12, 2020; and
3. PHS's declaration finds that there is an ongoing risk and likelihood of additional COVID-19 patients being identified in San Joaquin County; and
4. As of March 13, 2020, PHS confirmed eight (8) cases of COVID-19 in San Joaquin County and found we are now seeing some evidence of community spread; and
5. The City of Lodi City Council is not now in session.

NOW, THEREFORE, BASED ON THE FINDINGS AND DETERMINATIONS ABOVE, THE UNDERSIGNED HEREBY PROCLAIMS as of 8:00 a.m. March 16, 2020, that a local emergency now exists throughout the City of Lodi caused by an outbreak and community spread of COVID-19 in San Joaquin County.

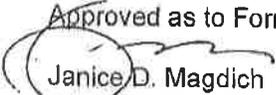
BE IT FURTHER PROCLAIMED AND ORDERED that during the existence of such local emergency, the powers, functions and duties of the emergency organization of the City of Lodi shall be those prescribed by state law and local ordinances, resolutions, and approved plans of the City of Lodi.

Dated: March 16, 2020

  
Stephen Schwabauer  
Director of Emergency Services

This proclamation is subject to ratification by the City Council within seven (7) days and is subject to reaffirmation every 30 days thereafter until such local emergency is terminated.

Approved as to Form:

  
Janice D. Magdich  
City Attorney