



LODI CITY COUNCIL

Teleconference Meeting

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AGENDA – Special Meeting

Date: April 13, 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 by clicking the below links or pasting the link into a browser.

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

Please click the link below to join the meeting:

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

Passcode: 583605

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US: +16699009128,,97500264844#

Or Telephone: Dial: US +1 669 900 9128

Webinar ID: 934 5571 9476

Members of the public may submit written comment prior to or during the meeting. Comments should be submitted to councilcomments@lodi.gov (or via mail sent to: City Clerk's Office, P.O. Box 3006, Lodi, CA 95241). Written comments received two hours prior to the start of the meeting will be provided to the City Council and posted on the City website as part of the official record of the meeting. Five minutes of each written comment, received before the Mayor or Chair announces that the time for public comment is closed will be read into the record. **IMPORTANT:** Identify the Agenda Item Number in the subject line of your email. Example: Public Comment for Agenda Item Number C-17.

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 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 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

A. Call to Order / Roll Call

B. Regular Calendar

Res. B-1 Adopt Resolution Reaffirming the Ratification of the City Manager’s Proclamation Finding the Continued Existence of a Local Emergency and Rendering Certain Emergency Orders, Including an Increase Related to the Local Emergency in the City Manager’s Contracting Authority for Services and Goods to a Maximum Amount of \$250,000 for the Duration of the Local Emergency (CA)

C. 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.

Meetings of the Lodi City Council are telecast on SJTV, Channel 26. The City of Lodi provides live and archived webcasts of regular City Council meetings. The webcasts can be found on the City’s website at www.lodi.gov by clicking the meeting webcasts link. Members of the public may view and listen to the open session of this teleconference meeting at www.facebook.com/CityofLodi/ or <https://zoom.us/j/93455719476?pwd=NDdhc1E4OEZyYWV3d2pDY1U5SjVZZz09>.



**CITY OF LODI
COUNCIL COMMUNICATION**

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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, Including an Increase Related to the Local Emergency in the City Manager’s Contracting Authority for Services and Goods to a Maximum Amount of \$250,000 for the Duration of the Local Emergency

MEETING DATE: April 13, 2021

PREPARED BY: City Attorney

RECOMMENDED ACTION: Staff recommends that the City Council 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, including an increase related to the local emergency in the City Manager’s contracting authority for services and goods to a maximum amount of \$250,000 for the duration of the local emergency.

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.

An outbreak of Novel Coronavirus Disease (COVID-19) continues in numerous countries and across the United States. As of March 9, 2021, there have been 70,465 confirmed cases of COVID-19 in San Joaquin County; 1,334 of those cases remain active. As of April 7, there have been over 556,000 COVID-19 fatalities across the country (59,882 in California); and as of April 7, 1,325 COVID-19 fatalities in San Joaquin County. Adult ICUs in the County are operating at 97% of licensed bed capacity, with 19% of ICU patients testing positive for COVID-19. COVID positive hospitalization rates increased 3.2% for the period March 30 – April 6.

On April 6, San Joaquin County moved to the Red (substantial) Tier. To move to the Orange (moderate) Tier, new cases per 100,000 in the County will need to drop by 40%. The lack of testing in the County continues to have a negative impact on the County’s adjusted new case numbers. Currently, 80% of the State’s population is in the Orange Tier, including neighboring counties.

County Public Health Services continues to stress the importance of continued social distancing, the wearing of face coverings, and frequent handwashing. The state has issued new guidelines for social gatherings and the wearing of face coverings, along with a travel advisory for persons re-entering California following non-essential travel. The state is now recommending that persons not travel more

APPROVED: _____
Stephen Schwabauer, City Manager

than 125 miles from their place of residence, but only for essential activities. Travel into the state for non-essential activities is discouraged.

As of April 6, the County's 7-day average positivity rate was 4.0% and the health equity metric 3.4% (a significant decrease from our prior report of 10.5% and 11.2%, respectively).

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. The more widely transmissible UK variant of the coronavirus is currently in San Joaquin County. The UK variant spreads quickly among children and adults.

It is imperative that the City continue responding to suspected or confirmed cases of COVID-19 and to implement measures to mitigate the spread of COVID-19 within our community, prevent another surge in positive cases, and continue preparations to respond to the number of persons requiring medical care or hospitalization.

Timeline to date:

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.

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.

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

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

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.

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) in response to an outbreak of Novel Coronavirus Disease (COVID-19) in San Joaquin County, the declaration of a local health emergency by PHS, and the President's declared National State of Emergency. On March 18, 2020, the City Council ratified the proclamation of local emergency pursuant to Government Code Section 8630. Council reaffirmed the ratification of the proclamation 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, and February 17, 2021, as required by the Government Code.

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.

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). San Joaquin County moved from the Tier 1 (purple) to Tier 2 (red) on September 29, 2020. Counties must stay in an assigned tier for a minimum of 21-days before movement to the next tier. On October 20, 2020, the County reported a 4.9 adjusted case rate per 100,000, as of November 17, 2020 the rate was 7.4%. Unfortunately, the progress made in reducing the positivity rate drastically changed as noted in the proceeding metrics and San Joaquin County returned to the purple (widespread) tier effective November 17, 2020 along with 28 other counties, bringing the total to 41 counties in the purple tier, representing more than 94% of California's population.

On August 31, 2020, San Joaquin County Public Health issued a new order in conformance with the Blueprint. Of note, salons and barbershops can now 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 be followed.

Because of a significant increase in statewide COVID-19 hospitalizations a Regional Stay Home Order, was announced by the Governor on December 3 and a supplemental order, signed December 6. The Regional Order goes 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 prohibited private gatherings of any size, close sector operations except for critical infrastructure and retail, and require 100% masking and physical distancing in all others.

Based on ICU capacity falling below 15% the San Joaquin Region, consisting of Calaveras, Fresno, Kern, Kings, Madera, Mariposa, Merced, San Benito, San Joaquin, Stanislaus, Tulare, and Tuolumne counties, became subject to the Regional Stay Home Order at 11:59 PM December 6. On December 12, regional ICU capacity dropped to 0% and remained at 0% for January. Based on 4-week projections, the San Joaquin Region was released from the Stay at Home Order and returned to the Purple Tier (widespread) under the State's Blueprint.

San Joaquin Region returned to the Purple Tier following release from the more restrictive December 6 Regional Stay at Home orders.

As noted above, the County moved from the Purple Tier to the Red Tier on April 6. Allowing for additional openings including some non-essential indoor business operations, such as movie theatres, gyms, museums, zoos, and indoor dining at restaurants with modifications. Fairs and amusement parks can also resume operations at limited capacity, while outdoor live events will be able to increase maximum capacity. However, bars that do not serve must remain closed.

As part of the City's response to the current emergency, the City is continuing its participation in the State's Great Plates Delivered program, currently extended through May 7, 2021. The program currently supports 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 provides economic stimulus to the four (4) participating local businesses and their workers. In addition, the Library testing site moved to Joe Serna School as of April 5 to allow for the reopening of the Library under current State guidelines.

Vaccines:

As of April 6, 2021, 7,708,082 persons in the State have been fully vaccinated representing 23.8% of the State's population ages 16 and older. In San Joaquin County, Public Health reports that 84,836 County residents are partially vaccinated, with 113,731, or 20.1% of the population 16 and older, fully vaccinated. 11,313 Lodi residents have been fully vaccinated representing 22.82% of the City's population.

Staff Recommendation:

Staff recommends that the City Council reaffirm its ratification of the City Manager's declaration of a local emergency and continue the City Manager's authority to contract for services and goods related to COVID-19, up to a maximum of \$250,000 from the current maximum of \$20,000, for the duration of the 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 and Extending the Contract Authority of the City Manager for Services and Goods related to the Emergency to \$250,000

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 AND EXTENDING THE CONTRACT AUTHORITY OF THE
CITY MANAGER FOR SERVICES AND GOODS RELATED TO THE
LOCAL EMERGENCY TO \$250,000

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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 April 7, 2021, there have been over 30.9 million cases of COVID-19 in the United States, resulting in over 556,000 deaths, including 59,882 deaths in the State of California and 1,325 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 in a position to respond to suspected or confirmed cases of COVID-19, and its variants, 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, 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:

“[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.” 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, and March 17, 2021, the City Council reaffirmed the ratification of the proclamation as required by the Government Code; and

WHEREAS, as of April 6, 2021, there have been a total of 70,465 confirmed cases of COVID-19 in San Joaquin County, 1,334 of which remain active, and 1,325 COVID-19 fatalities; ICU occupancy in San Joaquin County, including both COVID-19 and non-COVID-19 patients, 97% of licensed capacity; with 19% of ICU patients testing positive for COVID-19, and COVID-19 hospitalization rates have increased 3.2% for the period March 30 –April 6; 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 has moved to the Red (substantial) Tier; and

WHEREAS, as part of the City's response to the current emergency, the City is participating in the State's Great Plates Delivered program, currently extended to May 7, 2021. The program currently supports 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 provides economic stimulus to the 4 participating local businesses and their workers; 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 is suspended for the duration of the local emergency as to the purchase of goods and services related to the City's response to the local emergency resulting from the COVID-19 pandemic; 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.

BE IT FURTHER RESOLVED that the Lodi City Council does hereby reaffirm its ratification of the City Manager's declaration of a local emergency and continue the City Manager's authority to contract for services and goods related to COVID-19, up to a maximum of \$250,000 from the current maximum of \$20,000, for the duration of the local emergency.

Dated: April 13, 2021

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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 April 13, 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 jdm

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**

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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.

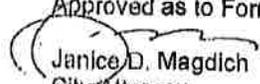
BE IT FURTHER PROCLAIMED AND ORDERED that during the existence of such local emergency, the powers, functions and duties of the emergency organization of the City of Lodi shall be those prescribed by state law and local ordinances, resolutions, and approved plans of the City of Lodi.

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