

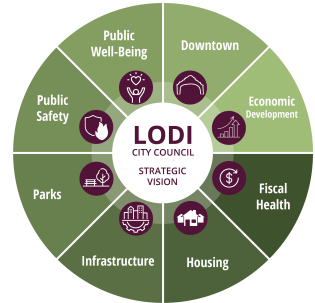


# LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

**AGENDA - Regular Meeting**  
Date: November 6, 2024  
Time: Closed Session 5:30 p.m.  
Regular Session: 7:00 p.m.

Mayor Lisa Craig  
Mayor Pro Tempore Cameron Bregman  
Councilmember Mikey Hothi  
Councilmember Alan Nakanishi  
Councilmember Ramon Yopez



**Notice Regarding Public Comments**

Public Comment may be submitted in the following ways:

- In-person
- Email – councilcomments@lodi.gov
  - > Received no later than two hours prior to the meeting
- Mail – City Clerk’s Office, P.O. Box 3006, Lodi, CA 95241
- Hand delivered to: City Clerk’s Office, 221 W. Pine Street, Lodi, CA 95240
  - > Received no later than two hours prior to the meeting

Public comment received via email, mail, or hand delivery will be provided to the City Council and included in the official minutes record of the meeting, but will not be read aloud at the meeting.

**C-1 Call to Order / Roll Call**

**C-2 Announcement of Closed Session**

- a) Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation Pursuant to Gov’t Code § 54956.9(d)(2): (1 Potential Case) (CA)
- b) Conference on Labor Negotiations Regarding International Brotherhood of Electrical Workers, Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, Lodi Professional Firefighters, Lodi Fire Mid-Management, Confidential General Services, Confidential Mid-Managers, Executive Managers, and Appointed Employees, Pursuant to Government Code § 54957.6 (HR)
- c) Public Employee Performance Evaluation: Three Appointed Positions (Government Code § 54957) - Conference with Human Resources regarding annual evaluation procedures for the City Clerk, City Attorney, and City Manager. (HR)

**C-3 Adjourn to Closed Session**

**6:55 p.m. Invocation/Call to Civic Responsibility.**

Invocations/Calls may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. These are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

**C-4 Return to Open Session / Disclosure of Action**

**A. Call to Order / Roll Call**

**B. Presentations**

**B.1** Acknowledgement of Community Development Department Awards by CalAPA (Mayor)

**C. Consent Calendar (Reading; Comments by the Public; Council Action)**

All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, refer to the Notice at the beginning of this agenda.

- Res. **C.1** Adopt a Resolution Directing the City Manager to Temporarily Increase the Time Limit from 90-Minute to 4-Hour Parking Without Penalty for the 2024 Winter Holiday at Parking Spaces in Downtown Lodi to Encourage Residents and Visitors to Visit and Buy from Local Retailers and Downtown Businesses (ED)
- Res. **C.2** Adopt a Resolution Updating City Staff Signers on City of Lodi Farmers & Merchants Bank Accounts (FIN)
- Res. **C.3** Adopt a Resolution Authorizing the Lodi Police Department to Participate in the Selective Traffic Enforcement Program Grant Funded by the Office of Traffic Safety (OTS), Approving the Execution of the Grant Documents by the City Manager on Behalf of the City of Lodi and Appropriating Funds (\$120,000) (PD)
- Res. **C.4** Adopt a Resolution Authorizing Change Order to the Purchase of One Troubleman Bucket Truck AT40-G from Altec Industries, Inc. of Dixon and Appropriating Funds (\$27,330) (EU)
- Res. **C.5** Adopt a Resolution Authorizing City Manager to Waive the Bid Process and Approve Purchase of a RC Mower R-60 Tracked Steep Incline Rotary Mower from RC Mower Embankscape Equipment LLC Suamico, WI (\$76,665.25) (PW)
- Res. **C.6** Adopt a Resolution Authorizing Appropriation for Wastewater Debt Service (\$2,059,123) (PW)
- Res. **C.7** Adopt a Resolution Accepting the Westgate Center Drive Aisle and Water Main Relocation Project (PW)
- Res. **C.8** Adopt a Resolution Authorizing City Manager to Award Contract For Guild Avenue and Victor Road (SR 12) Traffic Signal and Lighting Project to St. Francis Electric, LLC. of San Leandro (\$903,999) and Authorizing City Manager to Execute Change Orders (\$100,000), and Appropriate Funds (\$100,000) (PW)
- Res. **C.9** Adopt a Resolution Awarding Contract for the Surface Water Treatment Facility Generator Upgrade Project to Day's Generator Service of Loomis (\$991,386) and Authorizing City Manager to Execute Change Orders (\$100,000), and Appropriate Funds (\$600,000) (PW)

- Res. **C.10** Adopt a Resolution Authorizing City Manager to Execute Amendment No. 1 with Trojan Technologies Group ULC, a Sole Source Vendor, of London, Ontario for Ultraviolet Disinfection Service and Parts at White Slough Water Pollution Control Facility (\$846,000) (PW)
- Res. **C.11** Adopt a Resolution Approving Updates to the City of Lodi Public Transportation Agency Safety Plan (PW)
- C.12** Accept Improvements Under Contract for 2024 Downtown Concrete Cleaning (PW)
- C.13** Receive Report Regarding Communication Pertaining to Various Assembly and Senate Bills (CM)
- C.14** Set Public Hearing for November 20, 2024 to Consider Adopting a Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees For 2025 (CD)

**D. Comments by the Public on Non-Agenda Items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

If you wish to address the Council, please refer to the Notice at the beginning of this agenda. Individuals are limited to one appearance during this section of the Agenda.

**E. Comments by the City Council Members on Non-Agenda Items**

**F. Public Hearings**

- F.1** Public Hearing to Consider Waiving the First Reading and Introducing an Urgency Ordinance to Repeal and Replace Lodi Municipal Code 2.08 City Councilmember Salaries In Its Entirety Pursuant to SB 329 and to Allow Salary Increases to Begin With the December 2024 Council Term (CM)

**G. Regular Calendar**

- G.1** Receive Information Regarding Implementation of Senate Bill 1383 within the City of Lodi (PW)
- G.2** Continue Consideration of Waiving the First Reading of Ordinance Amending Lodi Municipal Code Chapter 8.04 "Outdoor and Tent Assemblies," Chapter 9.08 Article II "Trespassing And Loitering," Section 12.04.010 "Definitions Section 12.04.060 "Required," Section 12.12.010 "Definitions," Section 12.12.050 "Entering Closed Areas," Section 12.12.170 "Structures," Section 12.12.255 "Lodi Lake Nature Area-Prohibited Activities," Section 12.12.420 "Skate Park Regulations," Section 12.12.430 "Violations," and Chapter 15.52 Camp Cars and Trailer Camps to Regulate Unauthorized Camping in the City (CD)

**H. Ordinances**

**I. 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.

\_\_\_\_\_  
Olivia Nashed  
City Clerk

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*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. Agendas and staff reports are also posted on the City's website at [www.lodi.gov](http://www.lodi.gov). 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 Olivia Nashed 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 Olivia Nashed (209) 333-6702.*

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*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](http://www.lodi.gov) by clicking the meeting webcasts link. Members of the public may view and listen to the open session of this meeting at [www.facebook.com/CityofLodi/](https://www.facebook.com/CityofLodi/).*



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**COUNCIL COMMUNICATION**

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**AGENDA TITLE:**

Acknowledgement of Community Development Department Awards by CalAPA (Mayor)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Olivia Nashed, City Clerk

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**RECOMMENDED ACTION:**

Mayor will acknowledge recent achievements of the Community Development Department.

**BACKGROUND INFORMATION:**

The Mayor wishes to acknowledge the Community Development Department and staff for their recent recognition by the Sacramento Valley Section of the American Planning Association California Chapter (CalAPA) at an awards ceremony held in West Sacramento on October 23, 2024. The Community Development Department, headed by Community Development Director, John Della Monica, received two awards:

Deputy Director/City Planner Cynthia Marsh accepted the 2024 Merit Award for Public Outreach on Lodi's 6<sup>th</sup> Cycle Housing Element and Targeted General Plan Update, which our consultants Mintier Harnish and Rincon assisted with. Senior Planner Tim Kohaya was also present. The APA Public Outreach Award honors an individual, project, or program that uses information and education about the value of planning to create greater awareness among citizens or specific segments of the public. The award celebrates how planning improves a community's quality of life.

Neighborhood Services Manager Jennifer Rhyne accepted the 2024 Local Vision Award for the City's Access Center & Emergency Shelter, which is open and operating a temporary emergency shelter while the permanent shelter is being permitted and constructed. CDD Program Specialist Kari Chadwick was also present. The APA Local Vision Awards are given annually by the Sacramento Valley Section of the American Planning Association, California Chapter (APACA), to organizations and individuals that have made outstanding contributions to creating better communities throughout the Sacramento Valley APA Section. Award winners all have challenged the members of their communities to think differently about the everyday decisions they make.

**STRATEGIC VISION:**

Not applicable.

**FISCAL IMPACT:**

Not applicable.

**FUNDING AVAILABLE:**

Not applicable.

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# COUNCIL COMMUNICATION

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Olivia Nashed  
City Clerk




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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Adopt a Resolution Directing the City Manager to Temporarily Increase the Time Limit from 90-Minute to 4-Hour Parking Without Penalty for the 2024 Winter Holiday at Parking Spaces in Downtown Lodi to Encourage Residents and Visitors to Visit and Buy from Local Retailers and Downtown Businesses (ED)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Luis Aguilar, Economic Development Director

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**RECOMMENDED ACTION:**

Adopt a resolution directing the City Manager to temporarily increase the time limit from 90-Minute to 4-Hour parking without penalty for the 2024 Winter Holiday at parking spaces in Downtown Lodi to encourage residents and visitors to visit and buy from local retailers and Downtown businesses.

**BACKGROUND INFORMATION:**

In 2023, businesses located in the City's Downtown expressed concerns about parking limits discouraging customers from doing their holiday shopping in the Downtown. Downtown merchants voiced their support for increasing the parking time limits within the Downtown during the winter holiday season. As a result, on December 6, 2023, the City Council authorized the reduction in parking restrictions within the Downtown district during the holiday shopping season.

The Downtown Lodi Business Alliance requested that the City increase parking time limits within the Downtown area during the upcoming holiday season again this year.

Studies indicate that for every \$100 spent at local, small businesses, approximately \$68 stays within the community and contributes to the local economy. Downtown retailers and restaurants are typically classified as local, small businesses. The City of Lodi realizes a financial benefit from the sales taxes generated by residents and visitors shopping and dining locally, including Downtown businesses.

The City of Lodi currently posts signs indicating a 90-minute time limit on street parking in the Downtown district. However, other nearby cities with active downtown retailers, including Sacramento, historically designated free, non-time constrained holiday parking zones to encourage residents and holiday visitors to shop, dine, and enjoy festivities. The City Council Strategic Vision prioritizes Downtown Lodi with the goal of realizing a lively mixed-use, walkable commercial Downtown district, as well as boosting both community revitalization and economic development.

To continue encouraging shopping local and increasing traffic for Downtown businesses during the peak holiday shopping season (defined as the day after Thanksgiving through December 25, 2024) staff requests that the City Council adopt a resolution reducing parking restrictions in the Downtown district to encourage residents and visitors to shop and dine locally, and buy from the Downtown businesses this peak holiday

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## COUNCIL COMMUNICATION

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shopping season.

### **STRATEGIC VISION:**

1A. Downtown: Community and Economic Development.

### **FISCAL IMPACT:**

The potential loss of revenue from parking ticket issuance may be offset by reduced administrative costs of processing such tickets and enforcing parking time limits.

### **FUNDING AVAILABLE:**

Not applicable.

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Luis Aguilar  
Economic Development Director

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Scott R. Carney  
City Manager



RESOLUTION NO. 2024-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL DIRECTING THE CITY MANAGER TO TEMPORARILY INCREASE THE TIME LIMIT FROM 90-MINUTE TO 4-HOUR PARKING WITHOUT PENALTY FOR THE 2024 WINTER HOLIDAY IN DOWNTOWN LODI TO ENCOURAGE RESIDENTS AND VISITORS TO VISIT AND BUY FROM LOCAL RETAILERS AND DOWNTOWN BUSINESSES

WHEREAS, the City of Lodi (“City”) desires to promote goodwill between the City, residents, visitors, and merchants over the winter holiday season; and

WHEREAS, other nearby cities with active downtown retailers, including Sacramento, have historically designated free, non-time constrained holiday parking zones to encourage residents and holiday visitors to shop, dine, and enjoy events; and

WHEREAS, the City of Lodi currently posts a 90-minute time limit on street parking in the Downtown Mixed Use Zoning District (“Downtown”); and

WHEREAS, the City Council Strategic Vision prioritizes Downtown Lodi with the goal of realizing a lively mixed use, walkable commercial Downtown district; and

WHEREAS, the studies show that local small business shopping generates approximately \$68 of economic contribution for every \$100 spent; and

WHEREAS, Downtown retailers are often classified as local and small businesses; and

WHEREAS, the peak holiday shopping season falls between the day after Thanksgiving (Black Friday) through December 25th of each year; and

WHEREAS, Downtown merchants voiced their support for increasing the allotted time posted for parking in the Downtown district during the winter holiday season; and

WHEREAS, the City of Lodi realizes a financial benefit from sales taxes generated by residents and visitors shopping locally and at Downtown businesses; and

WHEREAS, the City Council desires to reduce parking restrictions in the Downtown district to encourage residents and visitors to shop local, and buy from the Downtown businesses by staying longer, walking through the Downtown district, and patronizing more stores during the peak holiday shopping season.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby direct the City Manager to temporarily modify parking enforcement to increase the time limit from 90-minute to 4-hour parking without penalty for the 2024 winter holiday season in the Lodi Downtown district. This Resolution shall take effective the day after Thanksgiving (November 29, 2024), and it will remain in effect through December 25, 2024.

Dated: November 6, 2024

I hereby certify that Resolution No. 2024-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 6, 2024 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

OLIVIA NASHED  
City Clerk

2024-\_\_\_\_\_



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**COUNCIL COMMUNICATION**

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**AGENDA TITLE:**

Adopt a Resolution Updating City Staff Signers on City of Lodi Farmers & Merchants Bank Accounts (FIN)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Jennelle Baker, Budget Manager

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**RECOMMENDED ACTION:**

Adopt a Resolution Updating City Staff Signers on City of Lodi Farmers & Merchants Bank Accounts.

**BACKGROUND INFORMATION:**

Authorized signers on the City’s bank accounts held at Farmers & Merchants Bank (“F&M”) have been previously designated to the City Manager, the Assistant City Manager, and the Budget Manager.

To update the City’s bank records and add the new City Manager and Budget Manager as authorized signers, F&M requires the City to execute a Resolution of Lodge, Association or Other Similar Organization (Corporate Authorization Resolution). For the Clerk to be able to certify this Corporate Action Resolution required by F&M, City Council authorization is needed.

Staff is requesting the following as designated signers:

- Scott R. Carney, City Manager
- Andrew C. Keys, Assistant City Manager
- Jennelle L. Baker-Bechthold, Budget Manager

These individuals will serve as signers on City of Lodi bank accounts with F&M. The Corporate Authorization Resolution provided by F&M (Attachment 1) states in part that “the signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation”. The signatures of Mr. Carney, Mr. Keys and Mrs. Baker-Bechthold on Attachment 1 are required in order to conduct City banking business.

Government Code 36936 provides that “[r]esolutions, orders for the payment of money, and all ordinances require a recorded majority vote of the total membership of the city council.” This includes the Corporate Authorization Resolution required by F&M.

**STRATEGIC VISION:**

All.

**FISCAL IMPACT:**

Not applicable.

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## COUNCIL COMMUNICATION

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**FUNDING AVAILABLE:**

Not applicable.

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Andrew Keys  
Assistant City Manager

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Scott R. Carney  
City Manager

# Resolution of Lodge, Association or Other Similar Organization

FARMERS & MERCHANTS BANK OF CENTRAL CA  
PO BOX 3000  
LODI, CA 95241-1902

By: CITY OF LODI  
P O BOX 3006  
LODI CA 95241

*Referred to in this document as "Financial Institution"*

*Referred to in this document as "Association"*

I, \_\_\_\_\_, certify that I am Secretary (clerk) of the above named association organized under the laws of CALIFORNIA, Federal Employer I.D. Number 94-6000361, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Association duly and properly called and held on \_\_\_\_\_ (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

**Agents.** Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below:

Name and Title or Position	Signature	Facsimile Signature <i>(if used)</i>
A. SCOTT R CARNEY CITY MANAGER	<input checked="" type="checkbox"/>	X
B. ANDREW C KEYS ASSISTANT CITY MANAGER	<input checked="" type="checkbox"/>	X
C. JENNELLE L BAKER BECHTHOLD BUDGET MANAGER	<input checked="" type="checkbox"/>	X
D. _____	X	X
E. _____	X	X
F. _____	X	X

**Powers Granted.** (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

Indicate A, B, C, D, E, and/or F	Description of Power	Indicate number of signatures required
_____	(1) Exercise all of the powers listed in this resolution.	_____
ABC	(2) Open any deposit or share account(s) in the name of the Association.	2
ABC	(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution.	1
_____	(4) Borrow money on behalf and in the name of the Association, sign, execute and deliver promissory notes or other evidences of indebtedness.	_____
_____	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Association as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.	_____
_____	(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.	_____
_____	(7) Other:	_____

**Limitations on Powers.** The following are the Association's express limitations on the powers granted under this resolution.

**Resolutions**

The Association named on this resolution resolves that,

- (1) The Financial Institution is designated as a depository for the funds of the Association and to provide other financial accommodations indicated in this resolution.
- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Association and certified to the Financial Institution as governing the operation of this association's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.
- (3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Association. Any Agent, so long as they act in a representative capacity as an Agent of the Association, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated in this resolution, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.
- (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Association with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.

- (5) The Association agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Association. The Association authorizes the Financial Institution, at any time, to charge the Association for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.
- (6) The Association acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Association to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
- (7) The Association acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Association with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Association authorizes each Agent to have custody of the Association's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

**Effect on Previous Resolutions.** This resolution supersedes resolution dated \_\_\_\_\_ . If not completed, all resolutions remain in effect.

**Certification of Authority**

I further certify that the Association has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions stated above to confer the powers granted above to the persons named who have full power and lawful authority to exercise the same. (Apply seal below where appropriate.)

If checked, the Association is a non-profit lodge, association or similar organization.

\_\_\_\_\_  
(Secretary)

\_\_\_\_\_  
(Attest by Other Officer)

\_\_\_\_\_  
(Attest by Other Officer)

<b>For Financial Institution Use Only</b>	
Acknowledged and received on _____	(date) by _____ (initials)
<input type="checkbox"/> This resolution is superseded by resolution dated _____	
<b>Comments:</b>	

RESOLUTION NO. 2024-

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY MANAGER, ASSISTANT CITY MANAGER, AND BUDGET MANAGER AS SIGNERS ON CITY OF LODI FARMERS & MERCHANTS BANK ACCOUNTS

WHEREAS, the City Council has previously approved the City Manager, the Assistant City Manager and the Budget Manager as authorized signers on the City's bank accounts held at Farmers & Merchants Bank of Central California ("F&M"); and

WHEREAS, in light of the turnover in those positions, a new Council authorization is required to update the City's bank records and add the new City Manager and Budget Manager as authorized signers; and

WHEREAS, F&M requested that Council approve and submit the completed "Corporate Authorization Resolution" included as Attachment 1 hereto, to update the authorized signer list for the City's F&M accounts.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes City Manager Scott R. Carney, Assistant City Manager Andrew C. Keys, and Jennelle L. Baker-Bechhtold to execute and submit the Corporate Authorization Resolution as shown in Attachment 1 hereto, authorizing each as a signing agent for City of Lodi accounts held at Farmers & Merchants Bank of Central California; and

BE IT FURTHER RESOLVED the City Council authorizes and directs the City Treasurer to add and remove staff to/from F&M's Corporate Authorization Resolution in the future as it may become necessary with changes in City Staff upon with verification by the City Attorney of consistency with this Resolution.

Dated: November 6, 2024

I hereby certify that Resolution No. 2024 - \_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 6, 2024, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

OLIVIA NASHED  
City Clerk

2024- \_\_\_\_






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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Adopt a Resolution Authorizing the Lodi Police Department to Participate in the Selective Traffic Enforcement Program Grant Funded by the Office of Traffic Safety (OTS), Approving the Execution of the Grant Documents by the City Manager on Behalf of the City of Lodi and Appropriating Funds (\$120,000) (PD)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Candice Alaniz, Management Analyst

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**RECOMMENDED ACTION:**

Adopt a resolution authorizing the Lodi Police Department to participate in the Selective Traffic Enforcement Program Grant ("STEP") funded by the Office of Traffic Safety, approving the execution of the grant documents by the City Manager on behalf of the City of Lodi and appropriating funds in the amount of \$120,000.

**BACKGROUND INFORMATION:**

Lodi has a significant problem with alcohol and speed-related fatal and injury collisions, including those involving pedestrians, bicyclists, hit-and-run drivers, and motorcyclists. Annually the California Office of Traffic Safety (OTS), awards grants to law enforcement agencies to develop programs and conduct special enforcement activities to reduce and prevent these activities in communities.

With OTS grant funding, the Lodi Police Department deploys existing officers on weekend and holiday evenings for driving under the influence ("DUI") saturation enforcement and will conduct five DUI checkpoints during the grant period. The grant includes motorcycle saturation enforcement, bicycle/pedestrian enforcement, street racing and sideshow enforcement, and general traffic safety enforcement. To address hit-and-run collisions, the Lodi Police Department will conduct driver's license checkpoints at all DUI checkpoints. As part of this year's grant award, the Department was awarded funding for the purchase of five radar devices for use in traffic safety operations.

By adopting this resolution, the Lodi Police Department will receive \$120,000 in grant funding from OTS to implement a comprehensive traffic safety enforcement program to reduce fatal and injury collisions where the primary collision factor is DUI or speed. The project will strive to reduce motorcycle-involved fatal and injury collisions, and bicycle/pedestrian-involved collisions.

With the Council's approval, the City of Lodi and the OTS will enter into an agreement that provides \$120,000 to the City to fund enhanced enforcement, grant-required training, and the purchase of related materials. Staff further requests authorization for the City Manager to execute the grant documents on behalf of the City of Lodi.

**STRATEGIC VISION:**

7H. Public Safety: Address strategic safety problem areas in the community.

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## COUNCIL COMMUNICATION

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**FISCAL IMPACT:**

Funds in the amount of \$120,000 be appropriated as follows:

State Special Grants	21400000	56421	\$ 120,000.00	Revenue
Overtime	21499000	71002	\$ 99,860.00	Expense
Medicare Insurance	21499000	71015	\$ 1,498.00	Expense
Special Dept Materials	21499000	72352	\$ 1,812.00	Expense
Safety Equipment	21499000	72306	\$ 15,000.00	Expense
Training and Education	21499000	72358	\$ 1,830.00	Expense

**FUNDING AVAILABLE:**




Not applicable.

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Ricardo Garcia  
Police Chief


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Scott R. Carney  
City Manager

<b>1. GRANT TITLE</b> Selective Traffic Enforcement Program (STEP)	
<b>2. NAME OF AGENCY</b> Lodi	<b>3. Grant Period</b> From: 10/01/2024 To: 09/30/2025
<b>4. AGENCY UNIT TO ADMINISTER GRANT</b> Lodi Police Department	
<b>5. GRANT DESCRIPTION</b> Best practice strategies will be conducted to reduce the number of persons killed and injured in crashes involving alcohol and other primary crash factors. The funded strategies may include impaired driving enforcement, enforcement operations focusing on primary crash factors, distracted driving, night-time seat belt enforcement, special enforcement operations encouraging motorcycle safety, enforcement and public awareness in areas with a high number of bicycle and pedestrian crashes, and educational programs. These strategies are designed to earn media attention thus enhancing the overall deterrent effect.	
<b>6. Federal Funds Allocated Under This Agreement Shall Not Exceed: \$120,000.00</b>	
<p><b>7. TERMS AND CONDITIONS:</b> The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement:</p> <ul style="list-style-type: none"> <li>• Schedule A – Problem Statement, Goals and Objectives and Method of Procedure</li> <li>• Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)</li> <li>• Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable)</li> <li>• Exhibit A – Certifications and Assurances</li> <li>• Exhibit B* – OTS Grant Program Manual</li> <li>• Exhibit C – Grant Electronic Management System (GEMS) Access</li> </ul> <p>*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto.</p> <p>These documents can be viewed at the OTS home web page under Grants: <a href="http://www.ots.ca.gov">www.ots.ca.gov</a>.</p> <p>We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.</p> <p>IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.</p>	
<b>8. Approval Signatures</b>	
<p><b>A. GRANT DIRECTOR</b></p> <p>NAME: Daniel Bristow          TITLE: Sergeant          EMAIL: dbristow@lodi.gov          PHONE: (209) 333-6872          ADDRESS: 215 W. Elm Street          Lodi, CA 95240</p> <p>          _____          (Signature)</p> <p style="text-align: right;">Aug 19, 2024          _____          (Date)</p>	<p><b>B. AUTHORIZING OFFICIAL</b></p> <p>ADDRESS: Scott Carney          City Manager          scarney@lodi.gov          209-333-6700          221 West Pine Street          Lodi, CA 95240</p> <p>          _____          (Signature)</p> <p style="text-align: right;">Aug 20, 2024          _____          (Date)</p>
<p><b>C. FISCAL OFFICIAL</b></p> <p>ADDRESS: Candice Alaniz          Management Analyst          calaniz@lodi.gov          2092694430          215 W. Elm Street          Lodi, CA 95240</p> <p>          _____          (Signature)</p> <p style="text-align: right;">Aug 20, 2024          _____          (Date)</p>	<p><b>D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY</b></p> <p>ADDRESS: Barbara Rooney          Director          barbara.rooney@ots.ca.gov          (916) 509-3030          2208 Kausen Drive, Suite 300          Elk Grove, CA 95758</p> <p>_____</p> <p style="text-align: right;">(Date)</p>

Approved as to Form:  
  
**KATTIE O. LUCCHESI**  
 City Attorney

<p><b>E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY</b></p> <p>NAME: Carolyn Vu  ADDRESS: 2208 Kausen Drive, Suite 300  Elk Grove, CA 95758</p>	<p><b>9. SAM INFORMATION</b></p> <p>SAM #: HA3AHF19FEM4  REGISTERED  ADDRESS: 221 W Pine St  CITY: Lodi  ZIP+4: 95240-2089</p>
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10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
402PT-25.1	20.600	0521-0890-101	2023	12/23	BA/23	\$10,765.00
164AL-25.1	20.608	0521-0890-101	2023	12/23	BA/23	\$15,071.00
164AL-25	20.608	0521-0890-101	2024	22/24	BA/24	\$54,929.00
402PT-25	20.600	0521-0890-101	2024	22/24	BA/24	\$39,235.00
					<b>AGREEMENT TOTAL</b>	<b>\$120,000.00</b>
					AMOUNT ENCUMBERED BY THIS DOCUMENT	
					<b>\$120,000.00</b>	
<p><i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i></p>					PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT	
					<b>\$ 0.00</b>	
OTS ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED		TOTAL AMOUNT ENCUMBERED TO DATE	
			Aug 20, 2024		<b>\$120,000.00</b>	

**1. PROBLEM STATEMENT**

The City of Lodi was founded in August 1969. According to the 2020 Census the City of Lodi has a population is 66,348. Lodi is located in San Joaquin County, in the center portion of California's Central Valley. Lodi is located between two primary north-south highways, Highway 99 and Interstate 5, that respectively connect major cities in Central California. It is well connected for east-west transportation with Interstate 580 running to Oakland and the San Francisco Bay Area. Interstate 80 links Lodi to Reno, Nevada and points further east. Lodi's ground transportation includes 24 carriers and other local trucking firms serving the Lodi area.

For 2019 the City of Lodi had 146 fatal and injury traffic crashes resulting in 1 fatality and 216 injured. Officers responded to 1,358 crash related calls for service and wrote 319 crash reports. In 2020, The City of Lodi had 117 fatal and injury traffic crashes resulting in 5 fatalities and 137 injured. Officers responded to 1,129 crash related calls for service and wrote 297 crash reports. In 2021, the City of Lodi had 141 fatal and injury traffic crashes resulting in 1 fatality and 167 injured. Officers responded to 1,061 crash related calls for service and wrote 326 crash reports. During 2022, the City of Lodi had 0 fatal and 131 injury traffic crashes resulting in 0 fatalities and 169 injured. Officers responded to 1,257 crash related calls for service and wrote 373 crash reports.

In 2019 there was 1 fatal victim involved in a crash. The fatality was a motorcyclist and occurred during nighttime hours.

In 2020 there were 5 fatal victims in 5 crashes. 2 fatalities were pedestrians, 2 fatalities were bicyclists and 1 fatality was a solo vehicle crash.

In 2021 there was 1 fatal victim involved in a crash. The fatality was a pedestrian and occurred during nighttime hours.

In 2022 there were 0 fatal victims involved in a crash.

For 2023 the City of Lodi had 6 fatal and 147 injury traffic crashes resulting in 7 fatalities and 194 injured. Officers responded to 1,340 crash related calls for service and wrote 356 crash reports.

In 2023 there were 7 fatalities from 6 crashes. 1 fatality was a solo motorcycle crash, 4 pedestrians were killed in separate crashes, and 2 occupants were killed in a solo vehicle crash.

In the City of Lodi, there were 27 injured in 2019, 16 injured in 2020, 22 injured in 2021, 36 injured in 2022, and 23 injured in 2023, as a result of alcohol and/or drug related crashes. In 2023 Lodi PD made 210 DUI arrests. The relatively consistent annual numbers for persons injured in alcohol/drug related crashes can be attributed to Lodi PDs continued efforts to ensure all of our officers have been trained in SFST and ARIDE.

Lodi PD has seen an increase in side show events and reckless driving within the city. Despite our efforts, this conduct continues to be prevalent within Lodi, however, the take over side shows are less within Lodi, as in comparison with our county partners. Lodi PD is a part of the San Joaquin County Side Show Task Force and has participated in several operations which highlighted that our zero-tolerance stance towards reckless driving has, in some part, contributed to the drastic difference in the side show activity that occurs within Lodi when compared to our regional partners. In 2023 Lodi PD wrote 28 citations for reckless driving, 8 citations for exhibition of speed, and 257 calls for service that were for reckless driving. We recently implemented our coding for reckless driving and in our review it is apparent that not all calls for service have been correctly coded as reckless driving. Prior to adding this code section, complaints for reckless driving would go under a generic vehicle code violation. It appears that the transition into this coding, for statistical purposes had some struggles for adoption. We are increasing training on this, to ensure better statistical tracking for future grant cycles. These statistics do not include the indeterminant number of pursuits that were initiated for reckless driving, but ultimately terminated with no suspect apprehension.

DUI and unsafe speed have consistently ranked in the top PCFs in Lodi PD crashes.

These statistics show an unfortunate, drastic, increase in fatal and injury crashes within Lodi, with both categories reaching their highest numbers in the last 5 years. The OTS Crash Rankings for 2021 have Lodi ranked 56 out of 105 like sized agencies. With Lodi's 2023 injured/fatal numbers being drastically higher than 2021, we anticipate our ranking to increase. Between 2022 to 2023 Lodi PD saw a decrease in the number of traffic stops that were conducted. Lodi PD attributes this, in part to our staffing numbers to cover our growing city and the additional requirements of patrol officers such as completing their RIPA entries and tagging body worn camera videos. These additional requirements with the calls for service and demands of a growing city, have cut into our patrol officers time to conduct traffic enforcement. Lodi PD continues to prioritize traffic enforcement as a means to increase traffic safety, however, we still saw a drop in the number of traffic stops.

## 2. PERFORMANCE MEASURES

### A. Goals:

1. Reduce the number of persons killed in traffic crashes.
2. Reduce the number of persons injured in traffic crashes.
3. Reduce the number of pedestrians killed in traffic crashes.
4. Reduce the number of pedestrians injured in traffic crashes.
5. Reduce the number of bicyclists killed in traffic crashes.
6. Reduce the number of bicyclists injured in traffic crashes.
7. Reduce the number of persons killed in alcohol-involved crashes.
8. Reduce the number of persons injured in alcohol-involved crashes.
9. Reduce the number of persons killed in drug-involved crashes.
10. Reduce the number of persons injured in drug-involved crashes.
11. Reduce the number of persons killed in alcohol/drug combo-involved crashes.
12. Reduce the number of persons injured in alcohol/drug combo-involved crashes.
13. Reduce the number of motorcyclists killed in traffic crashes.
14. Reduce the number of motorcyclists injured in traffic crashes.
15. Reduce hit & run fatal crashes.
16. Reduce hit & run injury crashes.
17. Reduce nighttime (2100 - 0259 hours) fatal crashes.
18. Reduce nighttime (2100 - 0259 hours) injury crashes.

### B. Objectives:

#### Target Number

- |   |    |
|---|----|
| 1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at <a href="mailto:pio@ots.ca.gov">pio@ots.ca.gov</a> , and copied to your OTS Coordinator, for approval 7 days prior to the issuance date of the release.  | 1  |
| 2. Participate and report data (as required) in the following campaigns; Quarter 1: National Pedestrian Safety Month, National Walk to School Day, National Teen Driver Safety Week, NHTSA Winter Mobilization; Quarter 3: National Distracted Driving Awareness Month, National Motorcycle Safety Month, National Bicycle Safety Month, National Click it or Ticket Mobilization; Quarter 4: National Speed Prevention Campaigns, NHTSA Summer Mobilization, National Child Passenger Safety Week, and California's Pedestrian Safety Month. | 12 |
| 3. Develop (by December 31) and/or maintain a "DUI BOLO" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. Updated DUI BOLOs should be distributed to patrol and traffic officers monthly.   | 12 |
| 4. Send law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hours) POST-certified training.   | 4  |
| 5. Send law enforcement personnel to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16 hour POST-certified training.  | 4  |
| 6. Send law enforcement personnel to the Drug Recognition Expert (DRE) training (classroom and field training must be completed).   | 1  |
| 7. Conduct DUI/DL Checkpoints. A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the Summer Mobilization. To  | 5  |

enhance the overall deterrent effect and promote high visibility, it is recommended the grantee issue an advance press release and conduct social media activity for each checkpoint. For combination DUI/DL checkpoints, departments should issue press releases that mention DL's will be checked at the DUI/DL checkpoint. Signs for DUI/DL checkpoints should read "DUI/Driver's License Checkpoint Ahead." OTS does not fund or support independent DL checkpoints. Only on an exception basis and with OTS pre-approval will OTS fund checkpoints that begin prior to 1800 hours. When possible, DUI/DL Checkpoint screeners should be DRE- or ARIDE-trained.	
8. Conduct DUI Saturation Patrol operation(s).	10
9. Conduct Warrant Service operation(s) targeting multiple DUI offenders who fail to appear in court.	2
10. Conduct Traffic Enforcement operation(s), including but not limited to, primary crash factor violations.	15
11. Conduct highly publicized Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.	8
12. Conduct highly publicized Motorcycle Safety enforcement operation(s) in areas or during events with a high number of motorcycle incidents or crashes resulting from unsafe speed, DUI, following too closely, unsafe lane changes, improper turning, and other primary crash factor violations by motorcyclists and other drivers.	2
13. Conduct highly publicized pedestrian and/or bicycle enforcement operation(s) in areas or during events with a high number of pedestrian and/or bicycle crashes resulting from violations made by pedestrians, bicyclists, and drivers.	2
14. Conduct Traffic Safety educational presentation(s) with an effort to reach community members. Note: Presentation(s) may include topics such as distracted driving, DUI, speed, bicycle and pedestrian safety, seat belts and child passenger safety.	2
15. Send law enforcement personnel to DUI Checkpoint Planning and Management training.	2
16. Conduct specialized enforcement operations focusing specifically on street racing and sideshow activities.	4
<b>3. METHOD OF PROCEDURE</b>	
<b>A. Phase 1 – Program Preparation (1<sup>st</sup> Quarter of Grant Year)</b>	
<ul style="list-style-type: none"> <li>The department will develop operational plans to implement the “best practice” strategies outlined in the objectives section.</li> <li>All training needed to implement the program should be conducted in the first quarter.</li> <li>All grant related purchases needed to implement the program should be made in the first quarter.</li> <li>In order to develop/maintain the “DUI BOLOs,” research will be conducted to identify the “worst of the worst” repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. The DUI BOLO may include the driver’s name, last known address, DOB, description, current license status, and the number of times suspended or revoked for DUI. DUI BOLOs should be updated and distributed to traffic and patrol officers at least monthly.</li> <li>Implementation of the STEP grant activities will be accomplished by deploying personnel at high crash locations.</li> </ul>	
<u>Media Requirements:</u>	
Issue a press release approved by the OTS PIO announcing the kick-off of the grant by November 15, but no sooner than October 1. The kick-off release must be approved by the OTS PIO and only distributed after the grant is fully signed and executed. If you are unable to meet the November 15 deadline to issue a kick-off press release, communicate reasons to your OTS grant coordinator and OTS PIO.	
<b>B. Phase 2 – Program Operations (Throughout Grant Year)</b>	
<ul style="list-style-type: none"> <li>The department will work to create media opportunities throughout the grant period to call attention to the innovative program strategies and outcomes.</li> </ul>	
<u>Media Requirements</u>	

The following requirements are for all grant-related activities:

- Send all media advisories, alerts, videos, graphics, artwork, posters, radio/PSA/video scripts, storyboards, digital and/or print educational materials for grant-related activities to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) for approval and copy your OTS grant coordinator. Optimum lead time would be 7 days before the scheduled release but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- Send all Powerpoint presentations, online presentations and trainings for grant-related activities to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) for approval and copy your OTS grant coordinator. Certified training courses are EXEMPT from the approval process.
- The OTS PIO is responsible for the approval of the design and content of materials. The agency understands OTS PIO approval is not authorizing approval of budget expenditure or cost. Any cost approvals must come from the OTS grant coordinator.
- Pre-approval is not required when using any OTS-supplied template for media advisories, press releases, social media graphics, videos or posts, or any other OTS-supplied educational material. However, copy the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and your OTS grant coordinator when any material is distributed to the media and public, such as a press release, educational material, or link to social media post. The OTS-supplied kick-off press release templates and any kickoff press releases are an exception to this policy and require prior approval before distribution to the media and public.
- If an OTS-supplied template, educational material, social media graphic, post or video is substantially changed, the changes shall be sent to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) for approval and copy to your OTS grant coordinator. Optimum lead time would be 7 days prior to the scheduled release date, but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- Press releases, social media posts and alerts on platforms such as NextDoor and Nixle reporting immediate and time-sensitive grant activities (e.g. enforcement operations, day of event highlights or announcements, event invites) are exempt from the OTS PIO approval process. The OTS PIO and your OTS grant coordinator should still be notified when the grant-related activity is happening (e.g. car seat checks, bicycle rodeos, community presentations, DUI checkpoints, etc.).
- Enforcement activities such as warrant and probation sweeps, court stings, etc. that are embargoed or could impact operations by publicizing in advance are exempt from the PIO approval process. However, announcements and results of activities should still be copied to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and your OTS grant coordinator with embargoed date and time or with "INTERNAL ONLY: DO NOT RELEASE" message in subject line of email.
- Any earned or paid media campaigns for TV, radio, digital or social media that are part of a specific grant objective, using OTS grant funds, or designed and developed using contractual services by a subgrantee, requires prior approval. Please send to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) for approval and copy your grant coordinator at least 3 business days prior to the scheduled release date.
- Social media posts highlighting state or national traffic safety campaigns (Distracted Driving Month, Motorcycle Safety Awareness Month, etc.), enforcement operations (DUI checkpoints, etc.), or any other grant-related activity such as Bicycle rodeos, presentations, or events, are highly encouraged but do not require prior approval.
- Submit a draft or rough-cut of all digital, printed, recorded or video material (brochures, posters, scripts, artwork, trailer graphics, digital graphics, social posts connected to an earned or paid media campaign grant objective) to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and copy your OTS grant coordinator for approval prior to the production or duplication.
- Use the following standard language in all press, media, and printed materials, space permitting: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Space permitting, include the OTS logo on all grant-funded print materials, graphics and paid or earned social media campaign grant objective; consult your OTS grant coordinator for specifics, format-appropriate logos, or if space does not permit the use of the OTS logo.
- Email the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and copy your OTS grant coordinator at least 21 days in advance, or when first confirmed, a short description of any significant grant-related traffic safety event or program, particularly events that are highly publicized beforehand with anticipated media



coverage so OTS has sufficient notice to arrange for attendance and/or participation in the event. If unable to attend, email the OTS PIO and coordinator brief highlights and/or results, including any media coverage (broadcast, digital, print) of event within 7 days following significant grant-related event or program. Media and program highlights are to be reflected in QPRs.

- Any press releases, work plans, scripts, storyboards, artwork, graphics, videos or any educational or informational materials that received OTS PIO approval in a prior grant year needs to be resubmitted for approval in the current grant year.
- For additional guidance, refer to the [OTS Grants Materials Approval Process Guidelines](#) and [OTS Grants Media Approval Process FAQs](#) on the OTS website.
- Contact the OTS PIO or your OTS grant coordinator for consultation when changes from any of the above requirements might be warranted.

### **C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)**

1. Prepare and submit grant claim invoices (due January 30, April 30, July 30, and October 30)

2. Prepare and submit Quarterly Performance Reports (QPR) (due January 30, April 30, July 30, and October 30)

- Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
- Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
- Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
- Collect, analyze and report statistical data relating to the grant goals and objectives.

### **4. METHOD OF EVALUATION**

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

### **5. ADMINISTRATIVE SUPPORT**

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

**GRANT AGREEMENT**

PT25044

Schedule B

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT		
402PT-25	20.600	State and Community Highway Safety	\$50,000.00		
164AL-25	20.608	Minimum Penalties for Repeat Offenders for Driving While Intoxicated	\$70,000.00		
COST CATEGORY		FUND NUMBER	UNIT COST OR RATE	UNITS	TOTAL COST TO GRANT
<b>A. PERSONNEL COSTS</b>					
<b><u>Straight Time</u></b>					
					\$0.00
<b><u>Overtime</u></b>					
DUI/DL Checkpoints	164AL-25	\$10,500.00	5	\$52,500.00	
DUI Saturation Patrols	164AL-25	\$1,300.00	10	\$13,000.00	
Warrant Service Operations	164AL-25	\$840.00	2	\$1,680.00	
Benefits- 164OT @ 1.5%	164AL-25	\$67,180.00	1	\$1,008.00	
Traffic Enforcement	402PT-25	\$840.00	15	\$12,600.00	
Distracted Driving	402PT-25	\$840.00	8	\$6,720.00	
Motorcycle Safety	402PT-25	\$840.00	2	\$1,680.00	
Pedestrian and Bicycle Enforcement	402PT-25	\$840.00	2	\$1,680.00	
Street Racing and Sideshow Enforcement Operations	402PT-25	\$2,500.00	4	\$10,000.00	
Benefits- 402OT @ 1.5%	402PT-25	\$32,680.00	1	\$490.00	
Category Sub-Total					\$101,358.00
<b>B. TRAVEL EXPENSES</b>					
In State Travel	402PT-25	\$1,830.00	1	\$1,830.00	
					\$0.00
Category Sub-Total					\$1,830.00
<b>C. CONTRACTUAL SERVICES</b>					
					\$0.00
Category Sub-Total					\$0.00
<b>D. EQUIPMENT</b>					
					\$0.00
Category Sub-Total					\$0.00
<b>E. OTHER DIRECT COSTS</b>					
DUI Checkpoint Supplies	164AL-25	\$1,812.00	1	\$1,812.00	
Radar Device	402PT-25	\$3,000.00	5	\$15,000.00	
Category Sub-Total					\$16,812.00
<b>F. INDIRECT COSTS</b>					
					\$0.00
Category Sub-Total					\$0.00
<b>GRANT TOTAL</b>					<b>\$120,000.00</b>

<b>BUDGET NARRATIVE</b>
<b>PERSONNEL COSTS</b>
DUI/DL Checkpoints - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.
DUI Saturation Patrols - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.
Warrant Service Operations - Overtime for grant funded Warrant Service Operations conducted by appropriate department personnel.
Benefits- 164OT @ 1.5% - 1.5% - Medicare Claimed amounts must reflect actual benefits costs for overtime hours charged to the grant.
Traffic Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.
Distracted Driving - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.
Motorcycle Safety - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.
Pedestrian and Bicycle Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.
Street Racing and Sideshow Enforcement Operations - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.
Benefits- 402OT @ 1.5% - 1.5% - Medicare Claimed amounts must reflect actual benefits costs for overtime hours charged to the grant.
<b>TRAVEL EXPENSES</b>
In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include Lifesavers in Long Beach and the OTS Traffic Safety Law Enforcement Forum. All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.
<b>CONTRACTUAL SERVICES</b>
-
<b>EQUIPMENT</b>
-
<b>OTHER DIRECT COSTS</b>
DUI Checkpoint Supplies - On-scene supplies needed to conduct sobriety checkpoints. Costs may include 28" traffic cones, MUTCD compliant traffic signs, MUTCD compliant high visibility vests (maximum of 10), traffic counters (maximum of 2), generator, gas for generators, lighting, reflective banners, electronic flares, PAS Device/Calibration Supplies, heater, propane for heaters, fan, anti-fatigue mats, and canopies. Additional items may be purchased if approved by OTS. The cost of food and beverages will not be reimbursed. Each item must have a unit cost of less than \$5,000 (including tax and shipping).
Radar Device - To measure the speed of motor vehicles. This device will be used for speed enforcement. Each item must have a unit cost of less than \$5,000 (including tax and shipping).
<b>INDIRECT COSTS</b>
-
<b>STATEMENTS/DISCLAIMERS</b>
There will be no program income generated from this grant.

Nothing in this "agreement" shall be interpreted as a requirement, formal or informal, that a particular law enforcement officer issue a specified or predetermined number of citations in pursuance of the goals and objectives here under.

Benefits for personnel costs can only be applied to straight time or overtime hours charged to the grant.

The OTS grant funded activities must be separate from the CHP Cannabis Tax Fund Grant Program activities and maintained under separate accounting/tracking/other codes (example: the same DUI checkpoint may not be funded by both the CHP and the OTS).

Certifications and Assurances for Fiscal Year 2024 Highway Safety Grants (23 U.S.C. Chapter 4 or Section 1906, Public Law 109-59, as amended by Section 25024, Public Law 117-58)

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies, and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

#### GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended;
- Sec. 1906, [Public Law 109-59](#), as amended by Sec. 25024, [Public Law 117-58](#);
- [23 CFR part 1300](#)—Uniform Procedures for State Highway Safety Grant Programs;
- [2 CFR part 200](#)—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- [2 CFR part 1201](#)—Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

#### NONDISCRIMINATION

(applies to all subrecipients as well as States)

The State highway safety agency [and its subrecipients] will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- *Title VI of the Civil Rights Act of 1964* ([42 U.S.C. 2000d et seq.](#), 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- [49 CFR part 21](#) (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
- [28 CFR 50.3](#) (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, ([42 U.S.C. 4601](#)), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- *Federal-Aid Highway Act of 1973*, ([23 U.S.C. 324 et seq.](#)), and *Title IX of the Education Amendments of 1972*, as amended ([20 U.S.C. 1681-1683](#) and [1685-1686](#)) (prohibit discrimination on the basis of sex);
- *Section 504 of the Rehabilitation Act of 1973*, ([29 U.S.C. 794 et seq.](#)), as amended, (prohibits discrimination on the basis of disability) and [49 CFR part 27](#);
- *The Age Discrimination Act of 1975*, as amended, ([42 U.S.C. 6101 et seq.](#)), (prohibits discrimination on the basis of age);
- *The Civil Rights Restoration Act of 1987*, (Pub. L. 100-209), (broadens scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- *Titles II and III of the Americans with Disabilities Act* ([42 U.S.C. 12131-12189](#)) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and [49 CFR parts 37](#) and [38](#);
- [Executive Order 12898](#), *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (preventing discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations);
- [Executive Order 13166](#), *Improving Access to Services for Persons with Limited English Proficiency* (requiring that recipients of Federal financial assistance provide meaningful access for applicants and beneficiaries who have limited English proficiency (LEP));
- [Executive Order 13985](#), *Advancing Racial Equity and Support for Underserved Communities through the Federal Government* (advancing equity across the Federal Government); and
- [Executive Order 13988](#), *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation* (clarifying that sex discrimination includes discrimination on the grounds of gender identity or sexual orientation).

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including NHTSA."*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

### **SPECIFIC ASSURANCES**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in § 21.23(b) and (e) of [49 CFR part 21](#) will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:  
*"The [name of Recipient], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*
3. The Recipient will insert the clauses of appendix A and E of this Assurance (also referred to as DOT Order 1050.2A) in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in appendix C and appendix D of this DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the State highway safety agency also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing NHTSA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by NHTSA. You must keep records, reports, and submit the material for review

upon request to NHTSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The State highway safety agency gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Highway Safety Grant Program. This ASSURANCE is binding on the State highway safety agency, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Highway Safety Grant Program. The person(s) signing below is/are authorized to sign this ASSURANCE on behalf of the Recipient.

#### **THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)**

The Subgrantee will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace, and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
  1. The dangers of drug abuse in the workplace;
  2. The grantee's policy of maintaining a drug-free workplace;
  3. Any available drug counseling, rehabilitation, and employee assistance programs;
  4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
  5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
  1. Abide by the terms of the statement;
  2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted—
  1. Taking appropriate personnel action against such an employee, up to and including termination;
  2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

#### **POLITICAL ACTIVITY (HATCH ACT)**

(applies to all subrecipients as well as States)

**The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.**

#### **CERTIFICATION REGARDING FEDERAL LOBBYING**

(applies to all subrecipients as well as States)

#### **CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **RESTRICTION ON STATE LOBBYING (applies to subrecipients as well as States)**

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., “grassroots”) lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

### **CERTIFICATION REGARDING DEBARMENT AND SUSPENSION (applies to all subrecipients as well as States)**

#### **INSTRUCTIONS FOR PRIMARY TIER PARTICIPANT CERTIFICATION (STATES)**

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of [2 CFR parts 180 and 1200](#).
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180 and 1200](#). You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled “Instructions for Lower Tier Participant Certification” including the “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction,” provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with [2 CFR parts 180 and 1200](#).
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate the transaction for cause or default.

#### **CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS— PRIMARY TIER COVERED TRANSACTIONS**



1. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
  - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
  - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### INSTRUCTIONS FOR LOWER TIER PARTICIPANT CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of [2 CFR parts 180 and 1200](#).
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180 and 1200](#). You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with [2 CFR parts 180 and 1200](#).
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

#### CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION—LOWER TIER COVERED TRANSACTIONS

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

## **BUY AMERICA**

**(applies to subrecipients as well as States)**

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

## **CERTIFICATION ON CONFLICT OF INTEREST**

**(applies to subrecipients as well as States)**

### **GENERAL REQUIREMENTS**

No employee, officer, or agent of a State or its subrecipient who is authorized in an official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

1. The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
  - a. The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential subawardees, including contractors or parties to subcontracts.
  - b. The code or standards shall establish penalties, sanctions, or other disciplinary actions for violations, as permitted by State or local law or regulations.
2. The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

### **DISCLOSURE REQUIREMENTS**

No State or its subrecipient, including its officers, employees, or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in organizations regulated by NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

1. The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
2. NHTSA will review the disclosure and may require additional relevant information from the recipient. If a conflict of interest is found to exist, NHTSA may (a) terminate the award, or (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict.
3. Conflicts of interest that require disclosure include all past, present, or currently planned organizational, financial, contractual, or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor, and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

### **PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE**

**(applies to all subrecipients as well as States)**

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

**POLICY ON SEAT BELT USE**

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at [www.trafficsafety.org](http://www.trafficsafety.org). The NHTSA website ([www.nhtsa.gov](http://www.nhtsa.gov)) also provides information on statistics, campaigns, and program evaluations and references.

**POLICY ON BANNING TEXT MESSAGING WHILE DRIVING**

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

**INSTRUCTIONS FOR ADDING OR UPDATING GEMS USERS**

1. Each agency is allowed a total of **FIVE (5) GEMS Users**.
2. GEMS Users listed on this form will be authorized to login to GEMS to complete and submit Quarterly Performance Reports (QPRs) and reimbursement claims.
3. Complete the form if adding, removing or editing a GEMS user(s).
4. The Grant Director must sign this form and return it with the Grant Agreement.

<b>GRANT DETAILS</b>	
Grant Number:	PT25044
Agency Name:	Lodi Police Department
Grant Title:	Selective Traffic Enforcement Program (STEP)
Agreement Total:	\$120,000.00
Authorizing Official:	Scott Carney
Fiscal Official:	Candice Alaniz
Grant Director:	Daniel Bristow

**CURRENT GEMS USER(S)**

**1. Candice Alaniz**

Title: Management Analyst  
Phone: 2092694430  
Email: calaniz@lodi.gov

Media Contact: No

**2. Daniel Bristow**

Title: Sergeant  
Phone: (209) 333-6872  
Email: dbristow@lodi.gov

Media Contact: Yes

**3. Ricardo Garcia**

Title: Captain  
Phone: (209) 333-6856  
Email: rgarcia@lodi.gov

Media Contact: Yes

**4. Jennifer Howell**

Title: Admin Assistant  
Phone: (209) 333-6756  
Email: jhowell@lodi.gov

Media Contact: No

**5. Joshua Redding**

Title: Police Lieutenant  
Phone: (209) 333-6727  
Email: jredding@lodi.gov

Media Contact: No

Complete the below information if adding, removing or editing a GEMS user(s)

<b>GEMS User 1</b> Add/Change <input type="checkbox"/> Remove Access <input type="checkbox"/>	Add as a media contact? Yes <input type="checkbox"/> No <input type="checkbox"/>
Name	Job Title
Email address	Phone number
<b>GEMS User 2</b> Add/Change <input type="checkbox"/> Remove Access <input type="checkbox"/>	Add as a media contact? Yes <input type="checkbox"/> No <input type="checkbox"/>
Name	Job Title
Email address	Phone number
<b>GEMS User 3</b> Add/Change <input type="checkbox"/> Remove Access <input type="checkbox"/>	Add as a media contact? Yes <input type="checkbox"/> No <input type="checkbox"/>
Name	Job Title
Email address	Phone number
<b>GEMS User 4</b> Add/Change <input type="checkbox"/> Remove Access <input type="checkbox"/>	Add as a media contact? Yes <input type="checkbox"/> No <input type="checkbox"/>
Name	Job Title
Email address	Phone number
<b>GEMS User 5</b> Add/Change <input type="checkbox"/> Remove Access <input type="checkbox"/>	Add as a media contact? Yes <input type="checkbox"/> No <input type="checkbox"/>
Name	Job Title
Email address	Phone number
Form completed by: <u>Daniel Bristow</u>	Date: Aug 19, 2024
As a signatory I hereby authorize the listed individual(s) to represent and have GEMS user access.	
<u>Daniel Bristow</u>	Daniel Bristow
Signature	Name
Aug 19, 2024	Grant Director
Date	Title

RESOLUTION NO. 2024-

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE LODI POLICE DEPARTMENT TO PARTICIPATE IN THE SELECTIVE TRAFFIC ENFORCEMENT GRANT PROGRAM FUNDED BY THE OFFICE OF TRAFFIC SAFETY (OTS), APPROVING THE EXECUTING OF THE GRANT DOCUMENTS BY THE CITY MANGER AND APPROPRIATING FUNDS IN THE AMOUNT OF \$120,000

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WHEREAS, by Council adoption of this Resolution, the Police Department will receive grant funding from the State of California Office of Traffic Safety (“OTS”) to implement a comprehensive traffic safety enforcement program to reduce fatal and injury collisions where the primary collision factor is driving under the influence (“DUI”) or speed. The project will reduce motorcycle-involved fatal and injury collisions and bicycle/pedestrian-involved collisions; and

WHEREAS, the Lodi Police Department deploys existing officers on weekend and holiday evenings for DUI saturation enforcement and will conduct five DUI checkpoints during the grant period. The grant includes motorcycle saturation enforcement, bicycle/pedestrian enforcement, street racing and sideshow enforcement, and general traffic safety enforcement. To address hit-and-run collisions, the Police Department will conduct driver’s license checkpoints at all DUI checkpoints; and

WHEREAS, with the City Council’s approval, the City of Lodi and State of California OTS will enter into an agreement that provides \$120,000 to the City to fund enhanced enforcement, grant required training, the purchase of 5 radar devices for use in traffic safety operations, and related materials and equipment.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby authorize the Lodi Police Department to participate in a selective traffic enforcement program grant funded by the Office of Traffic Safety; and

BE IT FURTHER RESOLVED, that the Lodi City Council does hereby authorize the City Manager to accept the funding from the State of California Office of Traffic Safety (OTS) and execute the grant documents on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED, funds in the amount of \$120,000 be appropriated as follows:

State Special Grants	21400000	56421	\$ 120,000.00	Revenue
Overtime	21499000	71002	\$ 99,860.00	Expense
Medicare Insurance	21499000	71015	\$ 1,498.00	Expense
Special Dept Materials	21499000	72352	\$ 1,812.00	Expense
Safety Equipment	21499000	72306	\$ 15,000.00	Expense
Training and Education	21499000	72358	\$ 1,830.00	Expense

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (Res. No. 2019-223), the City Attorney is hereby authorized to make minor revisions to

the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

Dated: October 2, 2024

=====

I hereby certify that Resolution No. 2024-\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held November 6, 2024, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

OLIVIA NASHED  
City Clerk

2024-\_\_\_\_



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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Adopt a Resolution Authorizing Change Order to the Purchase of One Troubleman Bucket Truck AT40-G from Altec Industries, Inc. of Dixon and Appropriating Funds (\$27,330) (EU)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Tim Combs, Electric Utility Superintendent

---

**RECOMMENDED ACTION:**

Adopt a resolution authorizing a change order to the purchase of one Troubleman Bucket Truck AT40-G from Altec Industries, Inc. of Dixon and appropriating funds in the amount of \$27,330.

**BACKGROUND INFORMATION:**

On August 18, 2021, City Council authorized the purchase of multiple vehicles and equipment from Altec Industries, Inc. (Altec) including a Backyard Machine and Trailer, Crew Bucket Truck, 95' Crane as well as a Troubleman Bucket Truck. All equipment, except the Troubleman Bucket Truck, was received (in 2022 and 2023) and invoices paid in full.

The original authorization for replacement of the Troubleman Bucket Truck (Vehicle No. 09-023), a longer lead time item, was based on a 2021 quote from Altec. The current authorized Purchase Order (PO) No. 2220089 in the amount of \$165,825.95 is not sufficient to cover the final cost of the equipment purchase. Typically, staff can accurately estimate projected escalation and surcharges that may be incurred on these longer lead time items. However, a significantly higher demand and chassis surcharges for this vehicle resulted in larger escalations than previously experienced and the final cost for this vehicle came in at \$193,154. Therefore, a change order is needed to pay the final invoice to Altec.

This vehicle replacement is a key component of Lodi Electric Utility's fleet as it is used to complete maintenance and troubleshooting activities associated with the electric distribution system, including emergency response calls. The alternative to approving the change order is to seek current market quotes, which would delay the arrival of this critical tool.

**STRATEGIC VISION:**

5A. Infrastructure: Invest in innovative infrastructure with a high Return of Investment.

**FISCAL IMPACT:**

A change order in the amount of \$27,330 is requested to PO 2220089. Replacement of this heavy-duty vehicle will provide a safer and more efficient platform for maintaining the City's electric distribution system. This purchase does not impact the General Fund.



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## COUNCIL COMMUNICATION

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### FUNDING AVAILABLE:

Staff are requesting an appropriation in the amount of \$27,330 to Account No. 50199000.77040 for this proposed change order, to complete the purchase as specified above.

---

Jeff Berkheimer  
Electric Utility Director

---

Scott R. Carney  
City Manager



**REMIT TO:**

Altec Industries, Inc.  
 PO Box 11407  
 BIRMINGHAM AL 35246-0414

Statement	
STATEMENT DATE	CUSTOMER NO
01-OCT-24	27828
AMOUNT REMITTED	PAGE
	1 of 1

**For Accounting Questions:**  
 ARINQUIRY@ALTEC.COM  
 205-408-8279

**BILL TO:**

CITY OF LODI (CA) : LODI  
 1331 S HAM LANE  
 ELECTRIC UTILITIES DEPT  
 LODI CA 95242-3904

TRANSACTION			DUE DATE	REFERENCE	BILL TO	TRANSACTION AMOUNT	AMOUNT DUE	*
NUMBER	DATE	TYPE						
1 2 6 4 5 9 9 5	20-AUG-24	Invoice	19-SEP-24	9 - 0 7 2 - 2 3	LODI	48.23	0.00	
1 2 6 4 5 9 9 5	06-SEP-24	Payment		A m S o u t h L o c k b o	01-L00100	-48.23	0.00	
7 4 4 3 8 4 8	25-SEP-24	Invoice	25-OCT-24	2 2 2 0 0 8 9	LODI	193,174.29	193,174.29	
8 4 3 2 7 4 2	27-SEP-24	Invoice	27-OCT-24	2 2 2 0 0 8 9	LODI	0.00	0.00	

Current	1-30 Days	31-60 Days	61-90 Days	Over 90 Days		Total Amount Due
193,174.29	0.00	0.00	0.00	0.00	0.00	193,174.29
Past Due					Finance Charges	

Past due items are subject to a FINANCE CHARGE of 1.5% per month, which is an ANNUAL RATE of 18% PLEASE CHECK ITEMS YOU ARE PAYIN **42**

RESOLUTION NO. 2024 -\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING CHANGE ORDER TO PURCHASE OF ONE TROUBLEMAN BUCKET TRUCK AT40-G FROM ALTEC INDUSTRIES, INC. OF DIXON AND APPROPRIATING FUNDS IN AMOUNT OF \$27,330

WHEREAS, on August 18, 2021, City Council authorized the purchase of multiple vehicles and equipment from Altec Industries, Inc. (Altec) including a Backyard Machine and Trailer, Crew Bucket Truck, 95' Crane as well as a Troubleman Bucket Truck; and

WHEREAS, all equipment, except the Troubleman Bucket Truck, has been received (in 2022 and 2023) and invoices paid in full; and

WHEREAS, the original authorization for replacement of the Troubleman Bucket Truck (Vehicle No. 09-023), a longer lead time item, was based on a 2021 quote from Altec and the current authorized Purchase Order (PO) No. 2220089 in the amount of \$165,825.95 is not sufficient to cover the final cost of the equipment purchase; and

WHEREAS, while staff are typically able to estimate projected escalation and surcharges that may be incurred on these longer lead time items, staff are starting to see a much higher demand for these vehicles with new fleet electrification regulations moving forward; and

WHEREAS, due to the high demand for these vehicles and chassis surcharges from the vehicle manufacturers, the final cost for this vehicle came in at \$193,154; and

WHEREAS, staff is recommending City Council authorize a change order and appropriate funds in the amount of \$27,330 from Fund 501 to Account No. 50199000.77040 to pay the final invoice from Altec; and

WHEREAS, replacement of this vehicle is a key component of Lodi Electric Utility's fleet as it is used to complete maintenance and troubleshooting activities associated with the electric distribution system, including emergency response calls.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize a change order to the purchase of one Troubleman Bucket Truck AT40-G from Altec Industries, Inc. of Dixon and appropriation of funds in the amount of \$27,330 as noted above.

Dated: November 6, 2024

I hereby certify that Resolution No. 2024-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held on November 6, 2024 by the following vote:

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

OLIVIA NASHED  
City Clerk

2024 -



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**COUNCIL COMMUNICATION**

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**AGENDA TITLE:**

Adopt a Resolution Authorizing City Manager to Waive the Bid Process and Approve Purchase of a RC Mower R-60 Tracked Steep Incline Rotary Mower from RC Mower Embankscape Equipment LLC Suamico, WI (\$76,665.25) (PW)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Public Works Director

---

**RECOMMENDED ACTION:**

Adopt a resolution authorizing the City Manager to waive the bid process and approve purchase of a RC Mower R-60 tracked steep incline rotary mower from RC Mower Embankscape Equipment LLC Suamico, WI in the amount of \$76,665.25.

**BACKGROUND INFORMATION:**

The Public Works Streets Division is responsible for the City’s single use storm drain basins. Currently, there are 5 single use facilities in operation with another 2 future basins identified in the 2010 General Plan. The single use facilities were intended to reflect a natural setting requiring minimal maintenance. Over the past few years, staff has received complaints regarding the un-kept appearance of the basins and their potential to create a fire hazard in a residential area due to the growth of natural grasses and weeds.

Staff has responded by attempting to use conventional mowing equipment to control vegetation on the basin slopes. Since the grass and weeds in the basins were never intended to be maintained, the side slopes were designed too steeply for conventional mowing equipment to manage safely. As an alternative, staff recently utilized San Joaquin County Sheriff work crews that used weed-eaters to manually cut the grass and weeds at the single use basin at Reynolds Ranch. This service is fairly economical at approximately \$2,000 per basin per service; however, the service is not consistently available as the crews are also dispatched to other areas in the county.

In August of 2024, the Streets Division requested a demonstration of the RC (remote control) steep hill rotary mower to test its ability to perform on the vegetation and side slopes consistent with the City’s single use basins. The demonstration confirmed the mower can be controlled/operated remotely by one employee stationed at a safe location, it will operate safely on side slopes that are consistent with those on Lodi’s single use basins, and it has many safety features that will either stop or shut off the mower in certain conditions (Exhibit A). Staff is recommending the purchase of this mower to more safely manage vegetation in the single use storm basins throughout Lodi. This will be a new addition to the City’s maintenance fleet.

Per Lodi Municipal Code §3.20.045, State and Local Agency Contracts, the bidding process may be waived when it is advantageous for the City, with appropriate approval by City Manager and City Council, to use contracts that have been awarded by other California public agencies, provided that their award was in

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## COUNCIL COMMUNICATION

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compliance with their formally-adopted bidding or negotiation procedures. Staff recommends purchase of the RC Mower R-60 (Exhibit B) utilizing the HGAC Buy Contract No. GR01-20. The City has utilized the government pricing contract process to purchase equipment in the past with competitive pricing and a more rapid delivery schedule.

Staff recommends Council adopt a resolution authorizing the City Manager to waive bid process and approve the purchase of one RC Mower R-60 from RC Mower Embankscape Equipment LLC Suamico, WI in the amount of \$76,665.25, utilizing the HGAC Buy Contract No. GR01-20.

### **STRATEGIC VISION:**

5C. Infrastructure: Address deferred maintenance.

### **FISCAL IMPACT:**

The addition of this piece of equipment will allow the Streets division to address maintenance in the City's single use stormwater basins in a safe and effective manner. Based on the level of usage, the life expectancy of the mower is estimated to be 10 years. Staff anticipates the initial mower cost will be recovered in approximately 4 years when comparing the cost of utilizing Sheriff Work Crews mowing each of the City's 5 existing single use basins two times per year.

### **FUNDING AVAILABLE:**

Storm (53199000.77030) Total: \$76,665.25

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Charles E. Swimley  
Public Works Director

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Scott R. Carney  
City Manager



# REVOLUTIONARY BUSINESS TOOL

PURPOSE-BUILT FOR EXTREME LANDSCAPES. OUR MOST POWERFUL MACHINE.

## ENGINEERED FOR:

- Hillside & steep-incline maintenance
- Wetland & swamp preservation
- Retention or water treatment ponds
- Dam & levee embankments
- Landfill slope preservation
- Roadside mowing



KEY FEATURES

REMOTE CONNECTIVITY  
UP TO

**1000**ft

LIGHT-WEIGHT AND  
LOW GROUND  
PRESSURE (2.2 PSI)

CUTS BRUSH UP  
TO 1.5 INCHES IN  
DIAMETER

**60**in

CUTTING WIDTH

**5.7**

MPH MOWING SPEED

REMOTE CONTROL  
TILT/DROP  
AUTO-SHUTDOWN

FUEL BOOST FOR  
CONTINUOUS FUEL  
FLOW ON SLOPE

**38.5**

HORSEPOWER  
EFI ENGINE

SLOPE CLIMB:

**50**  
DEGREES

## MOWER SPECIFICATIONS

DIMENSIONS	
WEIGHT	<b>1,900 lbs</b>
LENGTH	<b>90 in</b>
WIDTH	<b>82 in</b>
HEIGHT	<b>49.5 in</b>

### DRIVETRAIN

- Kawasaki® FX1000V EFI
- Air-Cooled
- Heavy-Duty Air Cleaner
- 38.5 Horsepower
- Electronic Fuel Injection (EFI)
- Hydro-Gear® ZT-4400 Transaxles
- 13.4 Gallon Fuel Capacity

### TRACKS

- Rubber Molded over Steel Links
- Steel Cords
- 9" Wide (230mm x 72mm x 44mm)
- Tread Style 'J'

### PERFORMANCE

- 6.5 MPH Transport Speed
- 5.7 MPH Mowing Speed
- 3.1 Acres Per Hour
- 50 Degree Slope Climb Ability

### MOWING DECK

- Fabricated 7ga. Steel
- 3/8" Thick Deck Across Spindles
- Cast Iron Spindle
- 60" Cutting Width
- 2.5" to 7" Cutting Heights

### WARRANTY

- 2 Years or 400 Hours

## BEST MACHINES ON EARTH

Our American-made, Remote-Operated Robotic Mowers will reinvent your capabilities and reimagine your potential. This is the smart, safe, and profitable way to maintain steep slopes and extreme landscapes. We've elevated the technology to deliver game-changing opportunities. The R Series will greatly improve your labor situation, increase efficiency, create safer and better working conditions for your crew, add versatility to your operation, and score new, niche revenue streams. What on earth are you waiting for?





Exhibit A



Exhibit A Continued



**Exhibit B**

<b>HGACBuy</b>	<b>CONTRACT PRICING WORKSHEET</b> For Catalog & Price Sheet Type Purchases	Contract No.:	<b>GR01-20</b>	Date Prepared:	8/14/2024
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**This Worksheet is prepared by Contractor and given to End User. PO with worksheet should be Emailed to H-GAC @ 713-993-4548 or veronica.johnson@h-gac.com. Please type or print legibly.**

Buying Agency: City of Lodi	Contractor: / RC Mowers
Contact Person: Jesse Barnett	Prepared By: Bryan Johnson
Phone: 209-269-4932	Phone: 971-285-7318
Fax:	Fax:
Email: Jbarnett@lodi.gov	Email: Bjohnson@RCMowersUSA.com

Catalog / Price Sheet Name:	HGAC - RC Mowers Pricing Catalog Effective 07.15.2023
Product Code/General Description of Product:	GR20AAF1 - RC Mowers   Remote-Operated Slope Mowers

**A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary**

Quan	Description	Unit Pr	Total
1	Tracked 60" Rotary Mower, 38.5hp Kawasaki Engine, 50 Degrees Max Slope	66950	66950
1	4500 lbs Winch Kit	985	985
1	4500lbs Winch Kit Installation	130	130
1	Light Kit	560	560
1	Light Kit Installation	187.5	187.5
1	Fire Exingusher W/quick Release bracket	102.28	102.28
1	Fire Exingusher Installation	37.5	37.5
1	Replacment Blade Kit ( 6 Blades & Hardware)	177.6	177.6
1	Replacment Belt Kit ( R60)(All Belt s)	168.27	168.27
			0
			0
			0
<b>Total From Other Sheets, If Any:</b>			
<b>Subtotal A:</b>			69298.15

**B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary**

(Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)

Quan	Description	Unit Pr	Total
			0
			0
			0
			0
<b>Total From Other Sheets, If Any:</b>			
<b>Subtotal B:</b>			0

<b>Check:</b> Total cost of Unpublished Options (B) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).	<b>For this transaction the percentage is:</b>	0%
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**C. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges**

Sales Tax (8.25%)	5717.1
Freight	1,650.00
<b>Subtotal C:</b>	7367.1

Delivery Date:	<b>TBD</b>	<b>D. Total Purchase Price (A+B+C):</b>	76665.25
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RESOLUTION NO. 2024-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY MANAGER TO WAIVE THE BID PROCESS AND APPROVE PURCHASE OF RC MOWER R-60 TRACKED STEEP INCLINE ROTARY MOWER FROM RC MOWER EMBANKSCAPE EQUIPMENT LLC SUAMICO, WI, UTILIZING THE HGAC BUY CONTRACT NO. GR01-20

=====

WHEREAS, the Public Works Streets Division is responsible for maintaining the City's 5 single use storm drain basins that were intended to reflect a natural setting requiring minimal maintenance; and

WHEREAS, over the past few years, staff has received complaints regarding the un-kept appearance of the basins and their potential to create a fire hazard in a residential area due to the growth of natural grasses and weeds; and

WHEREAS, the R-60 RC Mower can be controlled/operated remotely by one employee stationed at a safe location, it will operate safely on side slopes that are consistent with those on Lodi's single use basins, and it has many safety features that will either stop or shut off the mower in certain conditions; and

WHEREAS, staff recommends authorizing the City Manager to waive the bid process and approve the Purchase of a RC Mower R-60 from RC Mower Embankscape Equipment LLC Suamico, WI, in the amount of \$76,665.25, utilizing the HGAC Buy Contract No GR01-20.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to waive the bid process and approve the Purchase of a RC Mower R-60 from RC Mower Embankscape Equipment LLC Suamico, WI, in the amount of \$76,665.25, utilizing the HGAC Buy Contract No GR01-20.

DATED: November 6, 2024

=====

I hereby certify that Resolution No. 2024-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 6, 2024, by the following vote:

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

OLIVIA NASHED  
City Clerk

2024-\_\_\_\_\_



**COUNCIL COMMUNICATION**

**AGENDA TITLE:**

Adopt a Resolution Authorizing Appropriation for Wastewater Debt Service (\$2,059,123) (PW)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Public Works Director

**RECOMMENDED ACTION:**

Adopt a Resolution Authorizing Appropriation for Wastewater Debt Service in the amount of \$2,059,123.

**BACKGROUND INFORMATION:**

The Fiscal Year 2024-25 adopted budget includes appropriations for annual wastewater debt service payments. Due to a clerical error, the budget appropriation for the principal payment on the 2004 certificates of participation was not included.

The Series 2004A Wastewater System Revenue Certificates of Participation (2004 COPs) were issued in 2004 to pay for wastewater treatment plant upgrades at the White Slough Water Pollution Control Facility. The Series 2012A Refunding Wastewater Revenue Bonds were issued in 2012 to refund most of the 2004 COPs however bonds maturing in Fiscal Year 2024-25 were not refunded due to an advantageous interest rate. The structure of this remaining maturity for the 2004 COPs has been a constant interest payment each year until this final year when the bonds are set to mature and principal is due. As a result, the principal amount was not included in the FY 2024-25 budget.

Table 1 shows the debt service for Fiscal Year 2024-25 for all outstanding wastewater debt.

**Table 1. Wastewater Outstanding Debt**

Debt Series	Principal Due	Interest Due	Total
2017 Installment Purchase Refunding	226,831.00	191,084.26	417,915.26
2016A Refunding Wastewater Revenue Bonds	435,000.00	808,925.00	1,243,925.00
2004A Wastewater System Revenue Certificates of Participation	2,070,000.00	49,162.50	2,119,162.50
<b>Fiscal Year 2024-25 Total Debt Service Due</b>	<b>2,731,831.00</b>	<b>1,049,171.76</b>	<b>3,781,002.76</b>

Table 2 shows the current budget and requested action.

**Table 2. Fiscal Year 2024-25 Budget and Recommended Action**

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## COUNCIL COMMUNICATION

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	<b>Principal (55053001- 75025)</b>	<b>Interest (55053001- 75024)</b>	<b>Total</b>
Current Budget	661,830.00	1,060,050.00	1,721,880.00
Recommended Action	2,070,000.00	(10,877.00)	2,059,123.00
<b>Revised Total</b>	<b>2,731,830.00</b>	<b>1,049,173.00</b>	<b>3,781,003.00</b>

This appropriation, if approved, will cover the final payment on the 2004 COPs. The full required debt service amount and the reduced debt service in subsequent years associated with the payoff of the 2004 COPs is accounted for in the wastewater enterprise financial model.

Staff recommends authorizing appropriation for wastewater debt service payment, in the amount of \$2,059,123.

**STRATEGIC VISION:**

3A. Fiscal Health: Promote City's transparency & fiscal fluency.

**FISCAL IMPACT:**

This appropriation does not affect the General Fund. The full amount of the 2004 COPs debt service is included in the wastewater enterprise financial model.

**FUNDING AVAILABLE:**

Appropriation Requested:

Wastewater Bond Principal (53053001.75025) - \$2,070,000  
Wastewater Bond Interest (53053001.75024) - \$ (10,877)

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Charles E. Swimley  
Public Works Director

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Scott R. Carney  
City Manager

RESOLUTION NO. 2024-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING APPROPRIATION FOR WASTEWATER DEBT SERVICE

WHEREAS, the Fiscal Year 2024/2025 adopted budget includes appropriations for annual wastewater debt service payments; and

WHEREAS, due to a clerical error, the budget appropriation for the principal payment on the 2004 certificates of participation was not included as part of the adopted Fiscal Year 2024/2025 budget; and

WHEREAS, the Series 2004A Wastewater System Revenue Certificates of Participation (2004 COPs) were issued in 2004 to pay for wastewater treatment plant upgrades at the White Slough Water Pollution Control Facility; and

WHEREAS, the structure of this remaining maturity for the 2004 COPs has been a constant interest payment each year until this final year when the bonds are set to mature and principal is due; and

WHEREAS, staff recommends authorizing the appropriation of funds in the amount of \$2,059,123 for wastewater debt service payment to Wastewater Bond Principal and Interest.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby appropriate funds in the amount of \$2,059,123 for wastewater debt service payment to Wastewater Bond as follows:

Wastewater Bond Principal	\$2,070,000.00	53053001.75025
Wastewater Bond Interest	\$ (10,877.00)	53053001.75024

DATED: November 6, 2024

I hereby certify that Resolution No. 2024-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 6, 2024, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

OLIVIA NASHED  
City Clerk

2024-\_\_\_\_\_





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**COUNCIL COMMUNICATION**

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**AGENDA TITLE:**

Adopt a Resolution Accepting the Westgate Center Drive Aisle and Water Main Relocation Project (PW)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Public Works Director

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**RECOMMENDED ACTION:**

Adopt a resolution accepting the Westgate Center Drive Aisle and Water Main Relocation Project.

**BACKGROUND INFORMATION:**

The Developer (Angelo K. Tsakopoulos Holding, LP and Mark Enes) submitted building permit application No. B2023-0231 and B2023-2593 to relocate some onsite utilities and construct the Quick Quack Car Wash at 425 South Lower Sacramento Road, as shown on Exhibit A.

The public improvements constructed as part of the project are referred to as the “Westgate Center Drive Aisle and Water Main Relocation Project” and included the relocation of the drive aisle off of Lower Sacramento Road and the relocation of an onsite public water main.

The Developer has completed, under the terms of an improvement agreement, all public improvements in substantial conformance with City policy and provided a two-year warranty bond to secure costs associated with any required public improvement warranty work.

Staff recommends accepting the Westgate Center Drive Aisle and Water Main Relocation Project.

**STRATEGIC VISION:**

5E. Infrastructure: Proactive infrastructure development for Sphere of influence & growth areas.

**FISCAL IMPACT:**

Not Applicable.

**FUNDING AVAILABLE:**

Not Applicable.

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Charles E. Swimley  
Public Works Director

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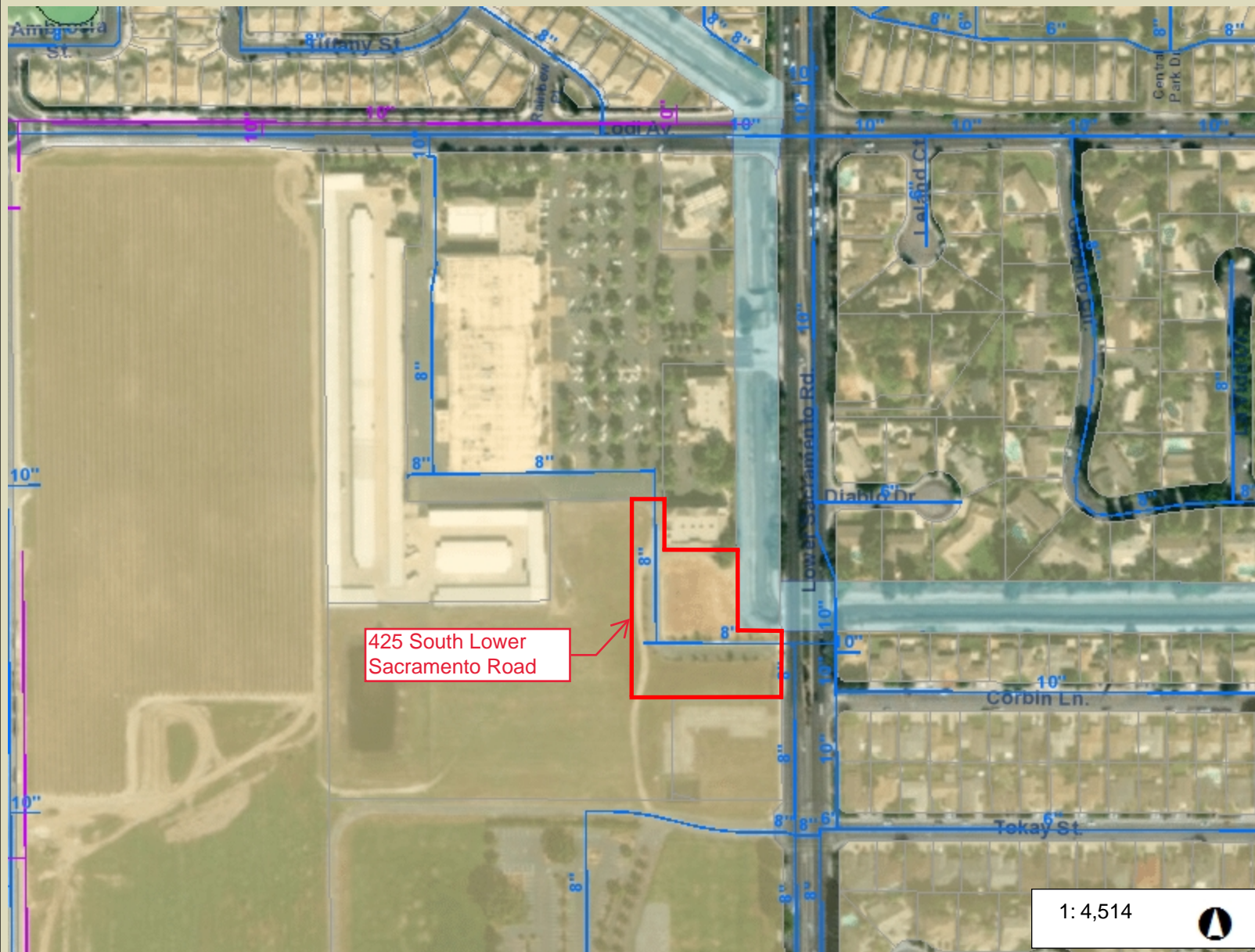
## COUNCIL COMMUNICATION

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Scott R. Carney  
City Manager













# Exhibit A

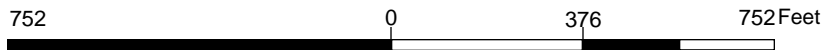


425 South Lower Sacramento Road

1:4,514 

## Legend

- Water Mains
  -  Potable Water
  -  Non-Potable Water
-  Parcel Outline
-  Waterbodies
- Street Names
-  Basins
-  Parks
- Parcels
  -  Parcels
  -  County Parcels
-  Private Street (Outline)
-  City Limits
- World Imagery
  - Low Resolution 15m Imagery
  - High Resolution 60cm Imagery
  - High Resolution 30cm Imagery
  - Citations



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City of Lodi Geographic Information Systems

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes

Westgate Center Drive Aisle and Water Main Relocation Project

RESOLUTION NO. 2024-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING THE WESTGATE  
CENTER DRIVE AISLE AND WATER MAIN RELOCATION PROJECT

=====

WHEREAS, the Developer (Angelo K. Tsakopoulos Holding, LP and Mark Enes) submitted building permit application No. B2023-0231 and B2023-2593 to relocate some onsite utilities and construct the Quick Quack Car Wash at 425 South Lower Sacramento Road; and

WHEREAS, the public improvements constructed as part of the project are referred to as the “Westgate Center Drive Aisle and Water Main Relocation Project” and included the relocation of the drive aisle off of Lower Sacramento Road and the relocation of an onsite public water main; and

WHEREAS, the developer completed, under the terms of an improvement agreement, all public improvements in substantial conformance with City policy and provided a two-year warranty bond to secure costs associated with any required public improvement warranty work; and

WHEREAS, staff recommends accepting the Westgate Center Drive Aisle and Water Main Relocation Project.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby accept the Westgate Center Drive Aisle and Water Main Relocation Project.

Dated: November 6, 2024

=====

I hereby certify that Resolution No. 2024-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 6, 2024 by the following vote:

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

OLIVIA NASHED  
City Clerk

2024-\_\_\_\_\_



**COUNCIL COMMUNICATION**

**AGENDA TITLE:**

Adopt a Resolution Authorizing City Manager to Award Contract For Guild Avenue and Victor Road (SR 12) Traffic Signal and Lighting Project to St. Francis Electric, LLC. of San Leandro (\$903,999) and Authorizing City Manager to Execute Change Orders (\$100,000), and Appropriate Funds (\$100,000) (PW)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Public Works Director

**RECOMMENDED ACTION:**

Adopt a Resolution authorizing City Manager to award contract for Guild Avenue and Victor Road (SR 12) Traffic Signal and Lighting Project to St. Francis Electric, LLC. of San Leandro in the amount of \$903,999, authorizing the City Manager to execute Change Orders in an amount not-to-exceed \$100,000, and appropriate funds in the amount of \$100,000.

**BACKGROUND INFORMATION:**

Steady growth in the industrial area east of SR 99 has resulted in additional traffic impacts at the intersection at Victor Road (SR 12) and Guild Avenue. After receiving several requests for a traffic signal installation at this location staff conducted a traffic signal evaluation that determined this intersection met the State criteria. Currently, this intersection is a 4-way intersection with stop controls on Guild Avenue.

Victor Road (SR 12) is a Caltrans owned roadway. All improvements proposed within the Caltrans right-of-way require an approved encroachment permit issued by Caltrans before construction is authorized. The Caltrans encroachment permit was issued to the City in May 2024.

This project installs curb ramp, crosswalk, traffic signal and lighting improvements at the Guild Avenue and Victor Road (SR 12) intersection. This project will also relocate the raised median on Guild Avenue north of Victor Road to accommodate large truck turning movements as required by Caltrans.

On August 7, 2024, Council approved the plans and specifications and authorized advertisements for bids. The City received the following eight bids for this project on September 18, 2024:

Bidder	Location	Bid	Above/(Below) Estimate
<i>Engineer's Estimate</i>			
*Mike Brown Electric Co.	Cotati	\$861,690.00	\$55,570.00
St. Francis Electric, LLC	San Leandro	\$903,999.00	\$97,879.00
Tim Paxon's Pacific Excavation, Inc	Elk Grove	\$949,957.00	\$143,837.00
Tennyson Electric LLC	Livermore	\$987,124.50	\$181,004.50

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## COUNCIL COMMUNICATION

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PTM General Engineering Services Inc	Riverside	\$989,089.00	\$182,969.00
B&M Builder, Inc.	Rancho Cordova	\$1,036,970.00	\$230,850.00
Columbia Electric, Inc	San Leandro	\$1,097,096.50	\$290,976.50
**Zara Construction Inc	Sacramento	\$1,136,285.00	\$330,165.00

\*Bid deemed nonresponsive due to incorrect subcontractor license number per Public Contract Code Section 4104(a)(2)

\*\*Bid deemed nonresponsive due to failure to submit receipt of Addendum 1

Staff recommends adopting a resolution authorizing the City Manager to award contract for Guild Avenue and Victor Road (SR 12) Traffic Signal and Lighting Project to St. Francis Electric, LLC. of San Leandro in the amount of \$903,999, and authorizing the City Manager to execute change orders in an amount not-to-exceed \$100,000, and appropriate funds in the amount of \$100,000.

### STRATEGIC VISION:

5. Infrastructure: Develop and maintain a robust infrastructure to support a World class city.

### FISCAL IMPACT:

Installation of this large signal project is anticipated to improve the flow of truck traffic while enhancing safety at this intersection. This project does not impact the General Fund and will have a minimal impact on citywide traffic signal maintenance costs.

### FUNDING AVAILABLE:

Street Impact Fees (30899000.77020) PWST - 0043.Contracts      \$954,850

Requested Appropriation:

Street Impact Fees (30899000.77020) PWST - 0043.Contracts      \$100,000

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Charles E. Swimley  
Public Works Director

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Scott R. Carney  
City Manager

CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," ST FRANCIS ELECTRIC, LLC, a California Limited Liability Company, herein referred to as the "Contractor."

WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

Notice Inviting Bids	The 2022 Edition,
Information to Bidders	Standard Specifications,
Certifications and Forms	State of California,
General Provisions	Business and Transportation Agency,
Federal Requirements	Department of Transportation
Special Provisions	City of Lodi Construction Specifications
Bid Proposal	
Contract	
Contract Bonds	
Federal Minimum Wage Rates	
Plans	
Addenda	

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

ARTICLE II - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Section 5.600, "Measurement, Acceptance and Payment," of the General Provisions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

**ARTICLE III** - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

**ARTICLE IV** - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Engineer under them, to-wit:

The work consists of constructing a new traffic signal, curb ramps, and other incidental and related work, all as described in the specifications for the above project.

For additional bid item descriptions refer to Section 6-07 "Description of Bid Items".

**CONTRACT ITEMS**

<b>Item</b>	<b>Description</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Price</b>	<b>Total</b>
1	New Traffic Signal System installation	1	LS	\$ 572,000.00	\$ 572,000.00
2	Signing, Striping and Marking	1	LS	\$ 40,000.00	\$ 40,000.00
3	AC Dike (Type A)	81	LF	\$ 69.50	\$ 5,629.50
4	AC Dike (Type D)	130	LF	\$ 69.50	\$ 9,035.00
5	HMA (Type A)	70	TON	\$ 680.00	\$ 47,600.00
6	Curb Ramps and Sidewalk	860	SF	\$ 29.50	\$ 25,370.00
7	Concrete Median and Curb	415	SF	\$ 62.00	\$ 25,370.00
8	Curb & Gutter	102	LF	\$ 67.00	\$ 6,834.00
9	Detectable Warnings	82	SF	\$ 40.25	\$ 3,300.50
10	Roadway Excavation	1	LS	\$ 35,500.00	\$ 35,500.00
11	Mobilization	1	LS	\$ 80,000.00	\$ 80,000.00
12	Traffic Control	1	LS	\$ 53,000.00	\$ 53,000.00

**TOTAL      \$ 903,999.00**

**ARTICLE V** - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

**ARTICLE VI** - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.



ARTICLE VII - The City is to furnish the necessary rights-of-way and easements and to establish lines and grades for the work as specified under the Special Provisions. All labor or materials not mentioned specifically as being done by the City will be supplied by the Contractor to accomplish the work as outlined in the specifications.

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract within 15 calendar days after the City Manager has executed the contract and to diligently prosecute to completion within **60 CALENDAR DAYS**. For the purpose of this contract, commencing work shall be defined as providing product and/or material submittals for review and approval. The start of the construction calendar days shall be delayed until the signal components are in the Contractor's possession.

ARTICLE IX - State of California Senate Bill 854 requires the following:

- No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.
- This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

ARTICLE X - Counterparts and Electronic Signatures

This Agreement and other documents to be delivered pursuant to this Agreement may be executed in one or more counterparts, each of which will be deemed to be an original copy and all of which, when taken together, will be deemed to constitute one and the same agreement or document, and will be effective when counterparts have been signed by each of the parties and delivered to the other parties. Each party agrees that the electronic signatures, whether digital or encrypted, of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures. Delivery of a copy of this Agreement or any other document contemplated hereby, bearing an original manual or electronic signature by facsimile transmission (including a facsimile delivered via the Internet), by electronic mail in "portable document format" (".pdf") or similar format intended to preserve the original graphic and pictorial appearance of a document, or through the use of electronic signature software will have the same effect as physical delivery of the paper document bearing an original signature.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE TIME OF COMPLETION FOR THIS CONTRACT IS REASONABLE AND THE CONTRACTOR AGREES TO PAY THE CITY LIQUIDATED DAMAGES AS SET FORTH IN SECTION 6-04.03 OF THE SPECIAL PROVISIONS. CONTRACTOR AGREES THAT THIS AMOUNT MAY BE DEDUCTED FROM THE AMOUNT DUE THE CONTRACTOR UNDER THE CONTRACT.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:

CITY OF LODI, a municipal corporation

\_\_\_\_\_

By: \_\_\_\_\_  
SCOTT R. CARNEY  
City Manager

By: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Title

Attest:

\_\_\_\_\_  
OLIVIA NASHED  
City Clerk

(CORPORATE SEAL)

Approved As To Form:

\_\_\_\_\_  
KATIE O. LUCCHESI  
City Attorney

# Capital Improvement Plan

## FY 2024-2025

<b>Project Title:</b>	Guild and Victor Traffic Signal	<b>Munis Project Code:</b>	PWST-0043	#31					
<b>Section I: Description</b>	<b>District Nos:</b>	2	<b>Project Length</b>	<b>Priority</b>					
Install a traffic signal system at the intersection of Victor and Guild.									
<b>Justification/factor driving project</b>									
The signal is included in the impact fee program and the new signal will increase traffic safety.									
<b>Additional Information</b>									
Caltrans will be responsible for 50% of the traffic signal maintenance. Consultant costs for design services was \$36,000.									
<b>Section II: Estimated Project Costs</b>									
<b>Expenditure</b>	<b>Prior Years</b>	<b>FY 23/24 Estimate</b>	<b>FY 24/25 Budget</b>	<b>FY 25/26</b>	<b>FY 26/27</b>	<b>FY 27/28</b>	<b>FY 28/29</b>	<b>Future Yrs</b>	<b>Total</b>
Contracts	\$ 703,380	\$ 700,000	\$ 350,000						\$ 1,753,380
Internal Staff	\$ 85,029	\$ 38,271							\$ 123,300
<b>Total Capital Costs</b>	<b>\$ 788,409</b>	<b>\$ 738,271</b>	<b>\$ 350,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,876,680</b>
<b>Section III: Funding Sources/Methods of Financing</b>									
<b>Funding Source(s)</b>	<b>Prior Years</b>	<b>FY 23/24 Estimate</b>	<b>FY 24/25 Budget</b>	<b>FY 25/26</b>	<b>FY 26/27</b>	<b>FY 27/28</b>	<b>FY 28/29</b>	<b>Future Yrs</b>	<b>Total</b>
308 - IMF Regional Streets	\$ 788,409	\$ 738,271	\$ 350,000						\$ 1,876,680
<b>Total Project Financing</b>	<b>\$ 788,409</b>	<b>\$ 738,271</b>	<b>\$ 350,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,876,680</b>

RESOLUTION NO. 2024-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING CITY MANAGER TO AWARD CONTRACT FOR GUILD AVENUE AND VICTOR ROAD (SR 12) TRAFFIC SIGNAL AND LIGHTING PROJECT TO ST. FRANCIS ELECTRIC, LLC. OF SAN LEANDRO, AUTHORIZING CITY MANAGER TO EXECUTE CHANGE ORDERS, AND APPROPRIATE FUNDS

=====

WHEREAS, steady growth in the industrial area east of SR 99 has resulted in additional traffic impacts at the intersection at Victor Road (SR 12) and Guild Avenue; and

WHEREAS, Victor Road (SR 12) is a Caltrans owned roadway and a Caltrans encroachment permit was issued to the City in May 2024; and

WHEREAS, this project installs curb ramp, crosswalk, traffic signal and lighting improvements at the Guild Avenue and Victor Road (SR 12) intersection and will also relocate the raised median on Guild Avenue north of Victor Road to accommodate large truck turning movements as required by Caltrans; and

WHEREAS, on August 7, 2024, Council approved the plans and specifications and authorized advertisements for bids. The City received the following eight bids for this project on September 18, 2024:

<b>Bidder</b>	<b>Location</b>	<b>Bid</b>	<b>Above/(Below) Estimate</b>
<i>Engineer's Estimate</i>		\$806,120.00	
*Mike Brown Electric Co.	Cotati	\$861,690.00	\$55,570.00
St. Francis Electric, LLC	San Leandro	\$903,999.00	\$97,879.00
Tim Paxon's Pacific Excavation, Inc	Elk Grove	\$949,957.00	\$143,837.00
Tennyson Electric LLC	Livermore	\$987,124.50	\$181,004.50
PTM General Engineering Services Inc	Riverside	\$989,089.00	\$182,969.00
B&M Builder, Inc.	Rancho Cordova	\$1,036,970.00	\$230,850.00
Columbia Electric, Inc	San Leandro	\$1,097,096.50	\$290,976.50
**Zara Construction Inc	Sacramento	\$1,136,285.00	\$330,165.00

\*Bid deemed nonresponsive due to incorrect subcontractor license number per Public Contract Code Section 4104(a)(2)

\*\*Bid deemed nonresponsive due to failure to submit receipt of Addendum 1

WHEREAS, staff recommends authorizing the City Manager to award contract for Guild Avenue and Victor Road (SR 12) Traffic Signal and Lighting Project to St. Francis Electric, LLC, of San Leandro in the amount of \$903,999, and authorizing the City Manager to execute change orders in an amount not-to-exceed \$100,000; and

WHEREAS, staff further recommends appropriating funds in the amount of \$100,000 to the Street Impact Fees PWST - 0043.Contracts (30899000.77020).

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to award contract for Guild Avenue and Victor Road (SR 12) Traffic Signal and Lighting Project to St. Francis Electric, LLC. of San Leandro in the amount of \$903,999, and authorize the City Manager to execute change orders in an amount not-to-exceed \$100,000; and

BE IT FURTHER RESOLVED, that the Lodi City Council does hereby appropriate funds in the amount of \$100,000 to the Street Impact Fees PWST - 0043.Contracts (30899000.77020); and

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (Res. No. 2019-223), the City Attorney is hereby authorized to make minor revisions to the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

DATED: November 6, 2024

=====

I hereby certify that Resolution No. 2024-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 6, 2024, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

OLIVIA NASHED  
City Clerk

2024-\_\_\_\_\_



**COUNCIL COMMUNICATION**

**AGENDA TITLE:**

Adopt a Resolution Awarding Contract for the Surface Water Treatment Facility Generator Upgrade Project to Day’s Generator Service of Loomis (\$991,386) and Authorizing City Manager to Execute Change Orders (\$100,000), and Appropriate Funds (\$600,000) (PW)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Public Works Director

**RECOMMENDED ACTION:**

Adopt a Resolution Awarding Contract for the Surface Water Treatment Facility Generator Upgrade Project to Day’s Generator Service, of Loomis (\$991,386.00), Authorizing City Manager to Execute Change Orders (\$100,000), and Appropriating Funds (\$600,000).

**BACKGROUND INFORMATION:**

The Surface Water Treatment Facility (“SWTF”) provides approximately fifty percent (50%) of Lodi’s annual drinking water supply. Twenty-eight (28) municipal groundwater wells throughout the City provide the remaining supply, eight of which are fitted with diesel-powered generators.

When commissioned in 2012, the SWTF included a back-up generator intended to provide power only to operate the SCADA system and other minor functions of the facility. At that time, it was decided not to include a back-up generator sized to process and deliver drinking water to the distribution system. This decision was based on the unlikely event of a long-term power interruption.

While the City’s electrical system is safe and reliable, the State’s power grid has grown increasingly unreliable due to statewide demand and natural disasters such as wildfires. The increased frequency of Public Safety Power Shut Offs (PSPS) imposed by PG&E, coupled with additional power demands increases the risk of long-term power outages. Since long-term outages outside the City’s control are expected to occur more frequently, there is an increased need for an upgraded generator that will provide 100% back-up power at the SWTF.

This project includes the installation of a new 800KW generator at the SWTF. If approved, the generator will support all operational demands necessary to treat and deliver potable water to our customers during an extended outage.

Plans and Specifications for this project were approved on August 7, 2024. On September 18, 2024, the City received ten bids.

<b>Bidder</b>	<b>Location</b>	<b>Bid</b>	<b>Above/(Below) Estimate</b>
<i>Engineer’s Estimate</i>		<i>\$500,000</i>	

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## COUNCIL COMMUNICATION

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Day's Generator Service	Loomis	\$ 991,386	\$ 491,386
Bockmon & Woody	Stockton	\$ 1,076,662	\$ 576,662
Auburn Constructors LLC	Sacramento	*\$ 1,077,300	\$ 577,300
SCC Electric Inc.	Novato	\$ 1,107,000	\$ 607,000
James Day Construction, Inc. d.b.a. Coastal Mountain Electric	Clear Lake	\$ 1,162,349	\$ 662,349
Vellutini Corporation d.b.a. Royal Electric Company	Sacramento	\$1,165,445	\$665,445
Howk Well & Equipment Co., Inc. d.b.a. Howk Systems, Inc.	Modesto	\$1,240,000	\$740,000
PC Inc.	Santa Maria	\$1,280,051	\$780,051
Fort Bragg Electric, Inc.	Fort Bragg	\$1,299,499	\$799,499
The Design Build Inc.	Sacramento	\$1,586,786	\$1,086,786

\*Denotes the bid was deemed Non-Responsive as it did not include Addendum No. 3.

Staff recommends adopting a resolution awarding the contract for the Surface Water Treatment Facility Generator Upgrade Project to Day's Generator Service, of Loomis in the amount of \$991,386.00, authorizing the City Manager to execute change orders in an amount not-to-exceed \$100,000, and appropriating funds in the amount of \$600,000.

### STRATEGIC VISION:

5D. Infrastructure: Ensure capacity for future growth.

### FISCAL IMPACT:

This project will have a minimal impact on annual operation and maintenance costs, and will help maintain essential facility operations during power outages.

### FUNDING AVAILABLE:

Previously Appropriated:

Water Capital PWWA-21004 (56199000.77020) \$ 500,000

Requested Appropriation:

Water Capital PWWA-21004 (56199000.77020) \$ 600,000

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Charles E. Swimley  
Public Works Director

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Scott R. Carney  
City Manager

**SWTF GENERATOR UPGRADE PROJECT**

2001 W. Turner Road

**CONTRACT**

CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, a Municipal corporation, hereinafter referred to as the "City," and DAY'S GENERATOR SERVICE, INC. a California corporation, hereinafter referred to as the "Contractor."

WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

- |                        |  |
|------------------------|--|
| Notice Inviting Bids   | The 2018 Edition,                        |
| Information to Bidders | Standard Specifications,                 |
| General Provisions     | State of California,                     |
| Special Provisions     | Business and Transportation Agency,      |
| Bid Proposal           | Department of Transportation             |
| Contract               | City of Lodi Construction Specifications |
| Contract Bonds         |  |
| Addenda                |  |

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

ARTICLE II - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Section 5.600, "Measurement, Acceptance and Payment," of the General Provisions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the



general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

**ARTICLE IV** - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Engineer under them, to-wit:

Perform the work necessary to install a new Tier 4 800KW diesel back-up generator with controls, and other related work, all as shown on the plans and specifications for the above project.

For additional bid item descriptions refer to Drawing No. 2022D005 and Section 6-07 "Description of Bid Items".

**CONTRACT ITEMS**

Item	Description	Unit	Estimated Quantity	Unit Price	Total
1	Install Generator	LS	1	\$	\$ 991,386.00

**TOTAL            \$ 991,386.00**

**ARTICLE V** - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

**ARTICLE VI** - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

**ARTICLE VII** - The City is to furnish the necessary rights-of-way and easements and to establish lines and grades for the work as specified under the Special Provisions. All labor or materials not mentioned specifically as being done by the City will be supplied by the Contractor to accomplish the work as outlined in the specifications.

**ARTICLE VIII** - The Contractor agrees to commence work pursuant to this contract within 15 calendar days after the City Manager, or as agreed-upon by the City and the Contractor in writing has executed the contract and to diligently prosecute to completion within **60 CALENDAR DAYS**. The calendar day count may pause or delay while equipment is being ordered.

ARTICLE IX - State of California Senate Bill 854 requires the following:

- No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.
- This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

ARTICLE X - Counterparts and Electronic Signatures

This Agreement and other documents to be delivered pursuant to this Agreement may be executed in one or more counterparts, each of which will be deemed to be an original copy and all of which, when taken together, will be deemed to constitute one and the same agreement or document, and will be effective when counterparts have been signed by each of the parties and delivered to the other parties. Each party agrees that the electronic signatures, whether digital or encrypted, of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures. Delivery of a copy of this Agreement or any other document contemplated hereby, bearing an original manual or electronic signature by facsimile transmission (including a facsimile delivered via the Internet), by electronic mail in "portable document format" (".pdf") or similar format intended to preserve the original graphic and pictorial appearance of a document, or through the use of electronic signature software will have the same effect as physical delivery of the paper document bearing an original signature.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE TIME OF COMPLETION FOR THIS CONTRACT IS REASONABLE AND THE CONTRACTOR AGREES TO PAY THE CITY LIQUIDATED DAMAGES AS SET FORTH IN SECTION 6-04.03 OF THE SPECIAL PROVISIONS. CONTRACTOR AGREES THAT THIS AMOUNT MAY BE DEDUCTED FROM THE AMOUNT DUE TO THE CONTRACTOR UNDER THE CONTRACT.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:

CITY OF LODI, a municipal corporation

\_\_\_\_\_

By: \_\_\_\_\_  
SCOTT R. CARNEY  
City Manager

By: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Title

Attest:

\_\_\_\_\_  
OLIVIA NASHED  
City Clerk

(CORPORATE SEAL)

Approved As To Form:

\_\_\_\_\_  
KATIE O. LUCCHESI  
City Attorney

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### **6-01 DESCRIPTION OF WORK**

The work consists of installing a new Tier 4 800KW diesel back-up generator with controls, and other related work, all as shown on the plans and specifications for the above project.

The work to be done is shown on the following plans:

#### **STANDARD PLANS**

- 501 Pipe Bedding and Backfill
- 502 Standard Abbreviations
- 503 Drafting Symbols
- 506 Trench Structural Section Requirements

#### **IMPROVEMENT PLANS**

DRAWING NO. 2022D005 – Surface Water Treatment Facility Generator Upgrade

**AS-BUILT PLANS** (for information only) may be found at the links provided below.

#### **Surface Water Treatment Facility:**

<http://maps.lodi.gov/raster/drawings/D138.pdf>

### **6-03 MATERIALS**

The Contractor shall furnish for use under these Special Provisions all materials required to complete the project, except those materials specifically shown on the plans or listed in these Special Provisions as "City-furnished".

Whenever any material is specified by name and/or number thereof, such reference shall be deemed to be used for the purpose of facilitating a description of the materials and establishing quality, and shall be deemed and construed to be followed by the words "or approved equal". No substitution will be permitted which has not been submitted ten days prior to installation for approval by the Engineer. Sufficient descriptive literature and/or samples must be furnished for any materials submitted as "equal" substitutes. Product warranties, support services or other benefits associated with the specific material will be considered by the Engineer in determining equality of materials.

Unless otherwise directed by the Engineer, manufacturer's instructions or installation recommendations shall be followed.

### **6-04 SCHEDULING PROJECT WORK**

**6-04.01 Scheduling Work** The Contractor shall be responsible for coordinating all activity with the City. Scheduled work shall be performed during normal working hours, 7:00 a.m. to 5:00 p.m., Monday through Friday. The City shall have the authority to change the hours of work if it is deemed necessary.

#### **6-04.03 Beginning of Work, Time of Completion and Liquidated Damages**

Attention is directed to the General Conditions and these Special Provisions.

Subsequent to receiving the Notice to Proceed and the Building Permit is approved, **the Contractor shall begin work within 15 calendar days of receiving the generator and finish work within 60 calendar days thereafter. Further, power for the Surface Water Treatment Plant can only be taken offline for a six hour period to connect the generator to the existing ATS.**

The Contractor shall pay to the City of Lodi the sum of **\$ 400 per day**, for each and every calendar days delay in finishing the work in excess of the number of 60 calendar days prescribed above and **\$400 per hour**, for each and every hour delay in finishing the work in excess of the allowable 6 hour offline period prescribed above

**6-04.04 Online Project Management Software** The City will be utilizing the Virtual Project Manager (VPM) online website for this project. The website is [www.virtual-pm.com](http://www.virtual-pm.com). The Contractor will be required to create a company login (no cost) and use the program to upload all Submittals, RFIs, Pay Requests, and any Proposed Change Orders. All submittals, RFIs, and Pay requests will be required to have titles that appropriately describe the document. Sequential numbering or lettering alone will not be acceptable. The contractor will also be required to use the program for all project correspondence such as drawing clarifications, field condition changes, or general project notes. Program support will be provided should it be needed.

## **6-05 CONSTRUCTION RIGHT-OF-WAY/PERMITS**

**6-05.03 Building Permits** Work being done under this contract requires a Building Permit issued by the City of Lodi Building Division. The Contractor shall obtain at his/her own cost structural calculations for the foundation pad and hold downs for the generator and submit them to the Public Works Dept. along with a complete generator submittal including all components. The Public Works Dept. shall incorporate the pad and details into the improvement plans and submit them to the Bldg. Dept. for approval. The Contractor shall place order for the genset after Building Dept. approval, and pull the Building Permit prior to construction. All plan check, permit and City fees (except reinspection fees) will be paid by the City. Any required Special Inspections shall be performed and paid by the City at no additional cost to the contractor.

All construction for which a Building Permit is required shall be subject to inspection by the Building Official. It shall be required that the person doing the work authorized by a Building Permit provide 24-hour advance notice on all building inspection requests. The Building Inspection Division has implemented an automatic recording device (209-333-6716) that operates Monday through Friday, 24 hours a day. All inspection requests should be made via the recorder, and must be received before 3:00pm on the working day prior to the desired inspection day. **INSPECTION REQUESTS WILL NOT BE ACCEPTED BY THE INSPECTOR IN THE FIELD.**

The following information must be accurately provided to ensure scheduling:

1. Building Permit number
2. Property owner and job address
3. Day you would like inspection; AM or PM
4. Type of inspection
5. Your name and number at which you can be reached

**6-05.04 Air Board Permits** Work being done under this contract requires a San Joaquin County Air Board "Permit -To- Install" prior to start of generator installation. The Contractor shall obtain the permit and include \$2000 as its permit cost in Bid Item No. 1 . At completion of the installation, the Contractor shall assist the City in obtaining a "Permit-To-Use" from the Air Board and its cost will be paid directly by the City.

## **6-06 SPECIFICATIONS**

**6-06.01 General** Sections 6-10 through 6-95 of these Specifications (Special Provisions) correspond with the State of California Department of Transportation Standard Specifications. Not all the sections are used. Therefore, there are gaps in the numbering sequence. Sections used contain either:

- Changes from the Standard Specifications
- Additions to the Standard Specifications
- Repetition of the Standard Specifications for clarity and/or emphasis.

## **6-07 DESCRIPTION OF BID ITEMS**

### **General**

Bid Items are presented to indicate major categories of the work for purposes of comparative bid analyses, payment breakdown for monthly progress payments and to comply with the California Labor Code relating to the price for sheeting, shoring, and bracing of excavations. Bid items are not intended to be exclusive descriptions of work categories and the Contractor shall determine and include in its pricing all materials, labor, and equipment necessary to complete each Bid Item as shown and specified.

### **Duration of Prices**

Quoted prices accepted by the City shall be held good and in effect for the duration of the contract, unless modified by Change Order per the contract documents.

### **Bid Items**

Compensation for all equipment, tools, materials, labor, service, travel, and incidentals, and for doing the work and all other items required to complete the work in conformity with the contract documents will be included in the payment provided in this section unless specifically excluded. No other compensation will be made except for the items listed in the Bid Proposal. Work for which no separate payment has been provided will be considered as a subsidiary obligation of the Contractor, and the cost therefore included in the applicable contract price for the item to which the work applies. All measurements of work done will be made by the Engineer. The quantities shown in the bid items are only preliminary estimates and are provided only for the purposes of obtaining contract unit prices and providing bid comparison references. The actual quantity will be determined by work orders based on actual City needs during the duration of the contract.

**Bid Item 1 Install Generator** – This Bid Item includes all labor, materials and appurtenances necessary for installation of a complete/working 800 KW Generator with concrete pad and all necessary components as shown on the improvement plans and described by specifications prepared by HCS Engineering, Inc. (Refer to the improvement

plans, Sheets E0.1, E1, E2 and E3 and as described in the Construction Specifications and these Special Provisions including, but not limited to, the following:

- Mobilization, permitting, coordination and all preparatory work, temporary facilities including dust control, water pollution prevention, demolition, clean-up, and provision of project as-built plans. Reference is made to Section 6-05 "Construction Right-Of-Way/Permits" of the Construction Specifications and these Special Provisions, and Section 6-14 "Air Pollution Control", Section 6-13b "Storm Water Pollution Control", and Section 6-22 "Cleaning" of the Construction Specifications.
- Procurement of the San Joaquin County Air Board "Permit -To- Install" and inclusion of \$2000 as its permit cost in Bid Item No. 1 . The City will pay for the "Permit-To-Use".
- Provision of signed and stamped structural calculations by a professional civil engineer for the generator pad and seismic anchorage and installation of the pad with hold downs per calculations and as described in the Standard Plans, Section 6-73 "Curbs, Sidewalks and Miscellaneous Concrete" of the Construction Specifications and these Special Provisions.
- Protection of existing facilities and/or replacements due to damaged or incorrect installation per Section 6-15 "Existing facilities" of the Construction Specifications.
- Compaction of all applicable construction per Section 6-19 "Compaction" of the Construction Specifications.
- The Purchase and Installation of a complete/working 800 KW Generator with all necessary components as shown on the plans including wiring, and connections (Not included in this bid is integration to the existing SCADA system which will be performed by others).
- Pavement removal and replacement as shown on the plans and as described in Section 6-39.06 "Pavement Repair" of the Construction Specifications and these Special Provisions.
- One (1) day services of the manufacturer for inspection, start-up to assure product warranty and instruction of proper operation and maintenance for city personnel.
- 

Payment for Bid Item 1 will be made per lump sum price given in the Bid Schedule, in accordance with the accepted Contractor's Cost Breakdown and subject to retention in accordance with applicable contract requirements.

**Total Base Bid** – This total base bid amount includes one Bid Item.

# Capital Improvement Plan

## FY 2024-2025

<b>Project Title:</b> Water Treatment Plant Standby Generator		<b>Munis Project Code:</b> PWWA-21004			#161					
<b>Section I: Description</b>		<b>District Nos:</b> All	<b>Project Length</b>		<b>Priority</b>	Normal				
This project will upgrade the existing standby generator that is capable to run the entire treatment plant.										
<b>Justification/factor driving project</b>										
The existing generator will only run the control room during power outage.										
<b>Additional Information</b>										
<b>Section II: Estimated Project Costs</b>										
Expenditure	Prior Years	FY 23/24 Estimate	FY 24/25 Budget	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Future Yrs	Total
Contracts	\$ 2,600	\$ 497,400	\$ 600,000							\$ 1,100,000
<b>Total Capital Costs</b>	<b>\$ 2,600</b>	<b>\$ 497,400</b>	<b>\$ 600,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,100,000</b>
<b>Section III: Funding Sources/Methods of Financing</b>										
Funding Source(s)	Prior Years	FY 23/24 Estimate	FY 24/25 Budget	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Future Yrs	Total
561 - Water Capital Outlay	\$ 2,600	\$ 497,400	\$ 600,000							\$ 1,100,000
<b>Total Project Financing</b>	<b>\$ 2,600</b>	<b>\$ 497,400</b>	<b>\$ 600,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,100,000</b>



RESOLUTION NO. 2024-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING CONTRACT FOR THE SURFACE WATER TREATMENT FACILITY GENERATOR UPGRADE PROJECT TO DAY'S GENERATOR SERVICE OF LOOMIS, AUTHORIZE CITY MANAGER TO EXECUTE CHANGE ORDERS, AND APPROPRIATE FUNDS

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WHEREAS, the Surface Water Treatment Facility (SWTF) provides approximately fifty percent of Lodi's annual drinking water supply, while twenty-eight municipal groundwater wells throughout the City provide the remaining supply, eight of which are fitted with diesel-powered generators; and

WHEREAS, when commissioned in 2012, the SWTF included a back-up generator that would provide minimal power to operate the SCADA system and other minor functions of the facility; and

WHEREAS, due to the increased frequency of Public Safety Power Shut Offs imposed by PG&E, coupled with additional power demands, increases the risk of long-term power outages, increasing the need for an upgraded generator that will provide 100% back-up power at the SWTF; and

WHEREAS, this project includes the installation of a new 800KW generator which will support all operational demands necessary to treat and deliver potable water to our customers during an extended outage; and

WHEREAS, Plans and Specifications for this project were approved on August 7, 2024. On September 18, 2024, the City received the following ten bids:

<b>Bidder</b>	<b>Location</b>	<b>Bid</b>	<b>Above/(Below) Estimate</b>
<i>Engineer's Estimate</i>		<i>\$500,000</i>	
Day's Generator Service	Loomis	\$ 991,386	\$ 491,386
Bockmon & Woody	Stockton	\$ 1,076,662	\$ 576,662
Auburn Constructors LLC	Sacramento	*\$ 1,077,300	\$ 577,300
SCC Electric Inc.	Novato	\$ 1,107,000	\$ 607,000
James Day Construction, Inc. d.b.a. Coastal Mountain Electric	Clear Lake	\$1,162,349	\$ 662,349
Vellutini Corporation d.b.a. Royal Electric Company	Sacramento	\$1,165,445	\$665,445
Howk Well & Equipment Co., Inc. d.b.a. Howk Systems, Inc.	Modesto	\$1,240,000	\$740,000
PC Inc.	Santa Maria	\$1,280,051	\$780,051
Fort Bragg Electric, Inc.	Fort Bragg	\$1,299,499	\$799,499
The Design Build Inc.	Sacramento	\$1,586,786	\$1,086,786

\*Denotes the bid was deemed Non-Responsive as it did not include Addendum No. 3.

WHEREAS, staff recommends awarding the contract for the Surface Water Treatment Facility Generator Upgrade Project to Day's Generator Service, of Loomis in the amount of \$991,386.00 and authorize the City Manager to execute change orders in an amount not-to-exceed \$100,000; and

WHEREAS, staff further recommends appropriating funds in the amount of \$600,000 to the Water Capital Fund PWWA-21004 (56199000.77020).

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for the Surface Water Treatment Facility Generator Upgrade Project to Day's Generator Service, of Loomis in the amount of \$991,386.00 and authorize the City Manager to execute change orders in an amount not-to-exceed \$100,000; and

BE IT FURTHER RESOLVED, that the Lodi City Council does hereby appropriate funds in the amount of \$600,000 to the Water Capital Fund PWWA-21004 (56199000.77020); and

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (Res. No. 2019-223), the City Attorney is hereby authorized to make minor revisions to the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

DATED: November 6, 2024

=====

I hereby certify that Resolution No. 2024-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 6, 2024, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

OLIVIA NASHED  
City Clerk

2024-\_\_\_\_\_




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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Adopt a Resolution Authorizing City Manager to Execute Amendment No. 1 with Trojan Technologies Group ULC, a Sole Source Vendor, of London, Ontario for Ultraviolet Disinfection Service and Parts at White Slough Water Pollution Control Facility (\$846,000) (PW)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Public Works Director

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**RECOMMENDED ACTION:**

Adopt a Resolution authorizing the City Manager to execute Amendment No.1 with Trojan Technologies Group, ULC, of London, Ontario for ultraviolet disinfection service and parts at White Slough Water Pollution Control Facility, in the amount of \$846,000.

**BACKGROUND INFORMATION:**

The ultra violet (UV) system disinfects the City's tertiary treated wastewater at White Slough Water Pollution Control Facility (WSWPCF) and is regulated by the California Regional Water Quality Control Board. Nearly 20 years ago, the City of Lodi switched from chlorine gas to UV disinfection for safety and water quality reasons.

The UV system consists of two channels with five banks of UV lamps in each channel. Each bank contains 176 UV lamps, for a total of 1,760 lamps in the system. Regulatory requirements allow each lamp to remain in service for a maximum of 8,000 hours. There is one set of wipers for each lamp and one ballast for every two lamps. The lamps, wipers, ballasts, and additional components need to be checked daily for proper operation. Staff must regularly replace ballasts and lamps, due to either failure or service life, and wipers to maintain water quality compliance.

On July 20, 2022, Council authorized the City Manager to execute a 3-year Professional Services Agreement (PSA) in the amount of \$1,050,000 with Trojan Technologies for providing UV disinfection services and parts at the WSWPCF which included two, optional 1 year extensions. The amount requested (\$1,050,000) funded the original term of 3 years. The staff report noted that if additional extensions were requested, staff would return to Council to request additional funds. Trojan Technologies is the sole source parts and service vendor for the UV system operating at the wastewater treatment plant.

The current contract term expires April 30, 2025. At the time of this writing, there is approximately \$82,000 remaining on the contract but due to higher than anticipated operational expenditures related to two separate system malfunctions that flooded electrical components and a significant upgrade to the UV lamp wiper system, staff requests to add funds at this time to avoid exceeding the current contract amount.

The proposed not-to-exceed amount of \$1,896,000 is expected to fund the UV parts and services needed for the remainder of the original three-year contract term and the additional two extensions in FY 25/26 and FY

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## COUNCIL COMMUNICATION

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26/27.

If approved, Amendment No. 1 includes funding to procure the service and materials needed to replace the lamps, wiper mechanisms, ballasts and additional components for the remaining three-year contract term including the optional two-one-year extensions. The city is currently in the third year of the original contract.

Trojan Technologies Group ULC., is a sole-source vendor. Per Lodi Municipal Code, Section 3.20.070, Bidding, the bidding process may be dispensed when the commodity can be obtained from only one vendor, due to need for branded replacement parts or supplies for equipment of like brand.

Staff recommends authorizing the City Manager to execute Amendment No. 1 with Trojan Technologies Group ULC, a Sole Source Vendor, of London, Ontario for Ultraviolet Disinfection Service and Parts at White Slough Water Pollution Control Facility in the amount of \$846,000.

### **STRATEGIC VISION:**

3D. Fiscal Health: Anticipate and advocate against unfunded mandates.

5A: Infrastructure: Develop and maintain a robust infrastructure to support a World class city.

### **FISCAL IMPACT:**

If the UV system is not properly maintained, WSWPCF may not meet discharge permit requirements, resulting in fines or penalties. This purchase does not impact the General Fund.

### **FUNDING AVAILABLE:**

Funds are budgeted for this purchase in WSWPCF Plant Operations (53053003.72352) for Fiscal Year 2024/25.

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Charles E. Swimley  
Public Works Director

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Scott R. Carney  
City Manager

AMENDMENT NO. 1

TROJAN TECHNOLOGIES CORP.  
AGREEMENT FOR PROFESSIONAL SERVICES

THIS AMENDMENT NO. 1 to AGREEMENT FOR PROFESSIONAL SERVICES ("Amendment No.1"), made and entered this \_\_\_\_ day of \_\_\_\_\_ 2024, by and between the CITY OF LODI, a municipal corporation (hereinafter "CITY"), and TROJAN TECHNOLOGIES GROUP ULC, a British Columbia corporation qualified to do business in California (hereinafter called "CONTRACTOR").

WITNESSETH:

1. WHEREAS, CONTRACTOR and CITY entered into the Agreement for Professional Services on August 3, 2022 ("Agreement"), attached hereto as Exhibit 1, and made a part hereof; and
2. WHEREAS, CITY requests to amend said Agreement to add additional funds for increased fees by \$846,000, for a total not-to-exceed amount of \$1,896,000 as set forth in Exhibit 2, attached hereto and made part of; and
3. WHEREAS, CONTRACTOR agrees to said amendment.

NOW, THEREFORE, the parties agree to amend the Agreement as set forth above. All other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, CITY and CONTRACTOR have executed this Amendment No. 1 on the date and year first above written.

CITY OF LODI, a municipal corporation  
Hereinabove called "CITY"

TROJAN TECHNOLOGIES GROUP ULC,  
a British Columbia corporation qualified to do  
business in California

By: \_\_\_\_\_  
SCOTT R. CARNEY  
City Manager

By: \_\_\_\_\_  
TODD BARTLETT  
Service Sales Director

Attest:

\_\_\_\_\_  
OLIVIA NASHED  
City Clerk

Approved as to Form:

\_\_\_\_\_  
KATIE O. LUCCHESI  
City Attorney *BIG for Katie Lucchesi*

**AGREEMENT FOR PROFESSIONAL SERVICES**

**ARTICLE 1  
PARTIES AND PURPOSE**

**Section 1.1 Parties**

THIS AGREEMENT is entered into on August 3, 2022, by and between the CITY OF LODI, a municipal corporation (hereinafter "CITY"), and TROJAN TECHNOLOGIES GROUP ULC, qualified to do business in California (hereinafter "CONTRACTOR").

**Section 1.2 Purpose**

CITY selected the CONTRACTOR to provide the services required in accordance with attached Scope of Services, Exhibit A, attached and incorporated by this reference.

CITY wishes to enter into an agreement with CONTRACTOR for ultraviolet disinfection service and parts (hereinafter "Project") as set forth in the Scope of Services attached here as Exhibit A. CONTRACTOR acknowledges that it is qualified to provide such services to CITY.

**ARTICLE 2  
SCOPE OF SERVICES**

**Section 2.1 Scope of Services**

CONTRACTOR, for the benefit and at the direction of CITY, shall perform the Scope of Services as set forth in Exhibit A.

**Section 2.2 Time For Commencement and Completion of Work**

CONTRACTOR shall commence work pursuant to this Agreement, upon receipt of a written notice to proceed from CITY or on the date set forth in Section 2.6, whichever occurs first, and shall perform all services diligently and complete work under this Agreement based on a mutually agreed upon timeline or as otherwise designated in the Scope of Services.

CONTRACTOR shall submit to CITY such reports, diagrams, drawings and other work products as may be designated in the Scope of Services.

CONTRACTOR shall not be responsible for delays caused by the failure of CITY staff to provide required data or review documents within the appropriate time frames. The review time by CITY and any other agencies involved in the project shall not be counted against CONTRACTOR's contract performance period. Also, in the event of any delays due to weather, vandalism, acts of God, quarantines; epidemics and

pandemics; labor strikes or lockouts; riots; strife; insurrections; civil disobedience or acts of criminals or terrorists; war; material shortages or delays in deliveries to Supplier by third parties, the period of time for delivery payment terms, and payments under any letters of credit will be extended for a period of time equal to the period of delay. CONTRACTOR shall remain in contact with reviewing agencies and make all efforts to review and return all comments.

**Section 2.3 Meetings**

CONTRACTOR shall attend meetings as may be set forth in the Scope of Services.

**Section 2.4 Staffing**

CONTRACTOR acknowledges that CITY has relied on CONTRACTOR's capabilities and on the qualifications of CONTRACTOR's principals and staff as identified in its proposal to CITY. The Scope of Services shall be performed by CONTRACTOR, unless agreed to otherwise by CITY in writing. CITY shall be notified by CONTRACTOR of any change of Project Manager and CITY is granted the right of approval of all original, additional and replacement personnel at CITY's sole discretion and shall be notified by CONTRACTOR of any changes of CONTRACTOR's project staff prior to any change.

CONTRACTOR represents it is prepared to and can perform all services within the Scope of Services (Exhibit A) and is prepared to and can perform all services specified therein. CONTRACTOR represents that it has, or will have at the time this Agreement is executed, all licenses, permits, qualifications, insurance and approvals of whatsoever nature are legally required for CONTRACTOR to practice its profession, and that CONTRACTOR shall, at its own cost and expense, keep in effect during the life of this Agreement all such licenses, permits, qualifications, insurance and approvals, and shall indemnify, defend and hold harmless CITY against any costs associated with such licenses, permits, qualifications, insurance and approvals which may be imposed against CITY under this Agreement.

**Section 2.5 Subcontracts**

Unless prior written approval of CITY is obtained, CONTRACTOR shall not enter into any subcontract with any other party for purposes of providing any work or services covered by this Agreement.

**Section 2.6 Term**

The term of this Agreement commences on May 1, 2022 and terminates upon the completion of the Scope of Services or on April 30, 2025, whichever occurs first.

**Section 2.7 Option to Extend Term of Agreement**

At its option, City may extend the terms of this Agreement for an additional two (2) one (1)-year extensions; provided, City gives Contractor no less than thirty (30) days written notice of its intent prior to expiration of the existing term. In the event City exercises any option under this paragraph, all other terms and conditions of this Agreement continue and remain in full force and effect.

The total duration of this Agreement, including the exercise of any option under this paragraph, shall not exceed five (5) years.

**ARTICLE 3  
COMPENSATION**

**Section 3.1 Compensation**

CONTRACTOR's compensation for all work under this Agreement shall conform to the provisions of the Fee Proposal, attached hereto as Exhibit B and incorporated by this reference.

CONTRACTOR shall not undertake any work beyond the scope of this Agreement unless such additional work is approved in advance and in writing by CITY.

**Section 3.2 Method of Payment**

CONTRACTOR shall submit invoices for completed work on a monthly basis, or as otherwise agreed, providing, without limitation, details as to amount of hours, individual performing said work, hourly rate, and indicating to what aspect of the Scope of Services said work is attributable. CONTRACTOR's compensation for all work under this Agreement shall not exceed the amount of the Fee Proposal.

**Section 3.3 Costs**

The Fee Proposal shall include all reimbursable costs required for the performance of the Scope of Services. Payment of additional reimbursable costs considered to be over and above those inherent in the original Scope of Services shall be approved in advanced and in writing, by CITY.

**Section 3.4 Auditing**

CITY reserves the right to periodically audit all charges made by CONTRACTOR to CITY for services under this Agreement. Upon request, CONTRACTOR agrees to furnish CITY, or a designated representative, with necessary information and assistance needed to conduct such an audit.

CONTRACTOR agrees that CITY or its delegate will have the right to review, obtain and copy all records pertaining to performance of this Agreement.



CONTRACTOR agrees to provide CITY or its delegate with any relevant information requested and shall permit CITY or its delegate access to its premises, upon reasonable notice, during normal business hours for the purpose of interviewing employees and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with this requirement. CONTRACTOR further agrees to maintain such records for a period of three (3) years after final payment under this Agreement.

#### **ARTICLE 4** **MISCELLANEOUS PROVISIONS**

##### **Section 4.1 Nondiscrimination**

In performing services under this Agreement, CONTRACTOR shall not discriminate in the employment of its employees or in the engagement of any sub CONTRACTOR on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, or any other criteria prohibited by law.

##### **Section 4.2 ADA Compliance**

In performing services under this Agreement, CONTRACTOR shall comply with the Americans with Disabilities Act (ADA) of 1990, and all amendments thereto, as well as all applicable regulations and guidelines issued pursuant to the ADA.

##### **Section 4.3 Indemnification and Responsibility for Damage**

CONTRACTOR to the fullest extent permitted by law, shall indemnify and hold harmless CITY, its elected and appointed officials, directors, officers, employees and volunteers from and against any claims, damages, losses, and expenses (including reasonable attorney's fees and costs), arising out of performance of the services to be performed under this Agreement, provided that any such claim, damage, loss, or expense is caused by the negligent acts, errors or omissions of CONTRACTOR, any subcontractor employed directly by CONTRACTOR, anyone directly or indirectly employed by any of them, or anyone for whose acts they may be liable, except those injuries or damages arising out of the active negligence, sole negligence, or sole willful misconduct of the City of Lodi, its elected and appointed officials, directors, officers, employees and volunteers. CITY may, at its election, conduct the defense or participate in the defense of any claim related in any way to this indemnification. If CITY chooses at its own election to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification for damages related to CONTRACTOR or CONTRACTOR's subcontractor's negligence or willful misconduct, CONTRACTOR shall pay all of the costs related thereto, including

without limitation reasonable attorney fees and costs. The defense and indemnification obligations required by this Agreement are undertaken in addition to, and shall not in any way be limited by the insurance obligations set forth herein.

**Section 4.4 No Personal Liability**

Neither the City Council, nor any other officer or authorized assistant or agent or City employee shall be personally responsible for any liability arising under this Agreement.

**Section 4.5 Responsibility of CITY**

CITY shall not be held responsible for the care or protection of any material or parts of the work described in the Scope of Services prior to final acceptance by CITY, except as expressly provided herein.

**Section 4.6 Insurance Requirements for CONTRACTOR**

CONTRACTOR shall take out and maintain during the life of this Agreement, insurance coverage as set forth in Exhibit C attached hereto and incorporated by this reference.

**Section 4.7 Successors and Assigns**

CITY and CONTRACTOR each bind themselves, their partners, successors, assigns, and legal representatives to this Agreement without the written consent of the others. CONTRACTOR shall not assign or transfer any interest in this Agreement without the prior written consent of CITY. Consent to any such transfer shall be at the sole discretion of CITY.

**Section 4.8 Notices**

Any notice required to be given by the terms of this Agreement shall be in writing signed by an authorized representative of the sender and shall be deemed to have been given when the same is personally served or upon receipt by express or overnight delivery, postage prepaid, or three (3) days from the time of mailing if sent by first class or certified mail, postage prepaid, addressed to the respective parties as follows:

To CITY:                   City of Lodi  
                                  221 West Pine Street  
                                  P.O. Box 3006  
                                  Lodi, CA 95241-1910  
                                  Attn: Ken Capitanich

To CONTRACTOR: Trojan Technologies Group ULC  
                                  3020 Gore Road  
                                  London, ON Canada N5V 4T7  
                                  Attn: Heather Conine

**Section 4.9 Cooperation of CITY**

CITY shall cooperate fully and in a timely manner in providing relevant information it has at its disposal relevant to the Scope of Services.

**Section 4.10 CONTRACTOR is Not an Employee of CITY**

CONTRACTOR agrees that in undertaking the duties to be performed under this Agreement, it shall act as an independent contractor for and on behalf of CITY and not an employee of CITY. CITY shall not direct the work and means for accomplishment of the services and work to be performed hereunder. CITY, however, retains the right to require that work performed by CONTRACTOR meet specific standards without regard to the manner and means of accomplishment thereof.

**Section 4.11 Termination**

CITY may terminate this Agreement, with or without cause, by giving CONTRACTOR at least thirty (30) days written notice. Where phases are anticipated within the Scope of Services, at which an intermediate decision is required concerning whether to proceed further, CITY may terminate at the conclusion of any such phase. Upon termination, CONTRACTOR shall be entitled to payment as set forth in the attached Exhibit B to the extent that the work has been performed. Upon termination, CONTRACTOR shall immediately suspend all work on the Project and deliver any documents or work in progress to CITY. However, CITY shall assume no liability for costs, expenses or lost profits resulting from services not completed or for contracts entered into by CONTRACTOR with third parties in reliance upon this Agreement.

**Section 4.12 Confidentiality**

CONTRACTOR agrees to maintain confidentiality of all work and work products produced under this Agreement, except to the extent otherwise required by law or permitted in writing by CITY. CITY agrees to maintain confidentiality of any documents owned by CONTRACTOR and clearly marked by CONTRACTOR as "Confidential" or "Proprietary", except to the extent otherwise required by law or permitted in writing by CONTRACTOR. CONTRACTOR acknowledges that CITY is subject to the California Public Records Act.

**Section 4.13 Applicable Law, Jurisdiction, Severability, and Attorney's Fees**

This Agreement shall be governed by the laws of the State of California. Jurisdiction of litigation arising from this Agreement shall be venued with the San Joaquin County Superior Court. If any part of this Agreement is found to conflict with applicable laws, such part shall be inoperative, null, and void insofar as it is in conflict

with said laws, but the remainder of this Agreement shall be in force and effect. In the event any dispute between the parties arises under or regarding this Agreement, the prevailing party in any litigation of the dispute shall be entitled to reasonable attorney's fees from the party who does not prevail as determined by the San Joaquin County Superior Court.

**Section 4.14 City Business License Requirement**

CONTRACTOR acknowledges that Lodi Municipal Code Section 3.01.020 requires CONTRACTOR to have a city business license and CONTRACTOR agrees to secure such license and pay the appropriate fees prior to performing any work hereunder.

**Section 4.15 Captions**

The captions of the sections and subsections of this Agreement are for convenience only and shall not be deemed to be relevant in resolving any question or interpretation or intent hereunder.

**Section 4.16 Integration and Modification**

This Agreement represents the entire understanding of CITY and CONTRACTOR as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing, signed by both parties.

**Section 4.17 Contract Terms Prevail**

All exhibits and this Agreement are intended to be construed as a single document. Should any inconsistency occur between the specific terms of this Agreement and the attached exhibits, the terms of this Agreement shall prevail.

**Section 4.18 Severability**

The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

**Section 4.19 Ownership of Documents**

All non-proprietary documents, photographs, reports, analyses, audits, computer media, or other material documents or data, and working papers, whether or not in final form, which have been obtained or prepared under this Agreement, shall be deemed the property of CITY. Upon CITY's request, CONTRACTOR shall allow CITY to inspect all such documents during CONTRACTOR's regular business hours. Upon termination or completion of services under this Agreement, all information collected, work product and documents shall be delivered by CONTRACTOR to CITY within ten (10) calendar days.

CITY agrees to indemnify, defend and hold CONTRACTOR harmless from any liability resulting from CITY's use of such documents for any purpose other than the purpose for which they were intended and CITY shall pay all the costs related thereto including without limitation reasonable attorney fees and costs.

**Section 4.20 Authority**

The undersigned hereby represent and warrant that they are authorized by the parties to execute this Agreement.

**Section 4.21 Federal Transit Funding Conditions**

If the box at left is checked, the Federal Transit Funding conditions attached as Exhibit D apply to this Agreement. In the event of a conflict between the terms of this Agreement or any of its other exhibits, and the Federal Transit Funding Conditions, the Federal Transit Funding Conditions will control.

**Section 4.22 Counterparts and Electronic Signatures**

This Agreement and other documents to be delivered pursuant to this Agreement may be executed in one or more counterparts, each of which will be deemed to be an original copy and all of which, when taken together, will be deemed to constitute one and the same agreement or document, and will be effective when counterparts have been signed by each of the parties and delivered to the other parties. Each party agrees that the electronic signatures, whether digital or encrypted, of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures. Delivery of a copy of this Agreement or any other document contemplated hereby, bearing an original manual or electronic signature by facsimile transmission (including a facsimile delivered via the Internet), by electronic mail in "portable document format" (".pdf") or similar format intended to preserve the original graphic and pictorial appearance of a document, or through the use of electronic signature software will have the same effect as physical delivery of the paper document bearing an original signature.

**Section 4.23 Limitation on Liability**

The total liability of CONTRACTOR and its subsidiaries, affiliates, employees, directors, officers and agents arising out of performance, nonperformance, or obligations in connection with the design, manufacture, sale, delivery, and/or use of Parts and/or the Scope of Services in no circumstance includes any liquidated, penalty, incidental or consequential damages of any kind, nor exceed the total minimum amount of insurance required under this Agreement, except only in the case of damages arising due to CONTRACTOR'S willful misconduct.

**Section 4.24 Warranty**

CONTRACTOR warrants the Parts in accordance with its then-current standard warranty covering the specific Parts ordered, generally under which CONTRACTOR warrants to the CITY that during the period ending 18 months after the delivery date or 12 months after the start-up date, whichever occurs first, parts which are manufactured by CONTRACTOR will be free from defects in material and workmanship and will function in accordance with the specifications specified in any quotation. If CONTRACTOR breaches this warranty and the CITY notifies CONTRACTOR of such breach within 30 days of the end of the applicable warranty period, CONTRACTOR will at its option, either replace or repair the nonconforming parts, or re-perform any nonconforming services, or refund the amounts paid by CITY to CONTRACTOR for the nonconforming parts and/or services. CONTRACTOR'S warranty contains the exclusive remedies for any breach of warranty. CONTRACTOR expressly disclaims any remedies of "cover" and any warranties implied by law, including but not limited to any warranty of merchantability or fitness for a particular purpose.

**Section 4.25 Performance Guarantees**

All product warranties and performance guarantees shall only be enforceable in (a) all equipment is properly installed, inspected regularly and is in a good working order, (b) all operations are consistent with CONTRACTOR recommendations, (c) operating conditions at the Project site, White Slough Water Pollution Control Facility, have not materially changed and remain within anticipated specifications, and (d) no reasonably unforeseeable circumstances exist or arise.

**Section 4.26 Intellectual Property; Information Technology**

CONTRACTOR retains all rights in and to any intellectual property and confidential information created or procured by it or its representative at any time, and CITY receives licenses to use such intellectual property and information only to the extent provided by implied license under applicable law. No CITY information technology requirements apply, except the extent such requirements specifically apply to equipment being sold to CITY. To help ensure mutual compliance with applicable privacy laws, CITY will not provide to or share with CONTRACTOR any personal data or personally identifiable information.

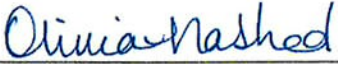
//

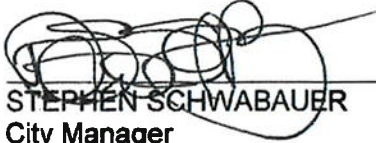
//

IN WITNESS WHEREOF, CITY and CONTRACTOR have executed this Agreement as of the date first above written.

ATTEST:



CITY OF LODI, a municipal corporation

  
\_\_\_\_\_  
OLIVIA NASHED  
City Clerk

  
\_\_\_\_\_  
STEPHEN SCHWABAUER  
City Manager

APPROVED AS TO FORM:  
JANICE D. MAGDICH, City Attorney

TROJAN TECHNOLOGIES GROUP ULC,

By:   
\_\_\_\_\_  


By: Todd Bartlett  
\_\_\_\_\_  
Name: TODD BARTLETT  
Title: Service Sales Director

- Attachments:**  
**Exhibit A – Scope of Services**  
**Exhibit B – Fee Proposal**  
**Exhibit C – Insurance Requirements**  
**Exhibit D – Federal Transit Funding Conditions (If applicable)**

**Funding Source:** 53053003.72352  
(Business Unit & Account No.)

Doc ID: \\pwadc02\msc\$\GROUP\ADMIN\Council\2022\04062022\Trojan\PSA.doc

CA:Rev.06.2022.LT rev 1

**Scope of work:**

**Provide maintenance and parts to Trojan ultraviolet disinfection system at White Slough Water Pollution Control Facility.**









# EXHIBIT C

**NOTE: The City of Lodi is now using the online insurance program PINS Advantage. Once you have been awarded a contract you will receive an email from the City's online insurance program requesting you to forward the email to your insurance provider(s) to submit the required insurance documentation electronically**

Insurance Requirements for Most Contracts  
(Not construction or requiring professional liability)

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor, his agents, representatives, employees or subcontractors.

**MINIMUM SCOPE AND LIMIT OF INSURANCE**

Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$2,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability:** ISO Form Number CA 00 01 covering any auto or if Contractor has no owned autos, then hired, and non-owned autos with limit no less than **\$1,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation:** as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease.

**Other Insurance Provisions:**

- (a) Additional Named Insured Status  
The City of Lodi, its elected and appointed boards, commissions, officers, agents, employees, and volunteers are to be covered as additional insureds on the CGL with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of **both** CG 20 10, CG 20 26, CG 20 33, or CG 20 38; **and** CG 20 37 if a later edition is used
  - (b) Primary and Non-Contributory Insurance Endorsement  
The limits of insurance coverage required may be satisfied by a combination of primary and umbrella or excess insurance. For any claims related to this contract, the Contractor's insurance coverage shall be primary coverage **at least as broad as** ISO CG 20 01 04 13 as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.
  - (c) Waiver of Subrogation Contractor hereby grants to City of Lodi a waiver of any right to subrogation which any insurer of said Contractor may acquire against the City of Lodi by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City of Lodi has received a waiver of subrogation endorsement from the insurer
- NOTE:** (1) The street address of the **CITY OF LODI** must be shown along with (a) and (b) and (c) above: 221 West Pine Street, Lodi, California, 95240; (2) The insurance certificate must state, on its face or as an endorsement, a description of the project that it is insuring.
- (d) Severability of Interest Clause  
The term "insured" is used severally and not collectively, but the inclusion herein of more than one insured shall not operate to increase the limit of the company's liability under the Contractors commercial general liability and automobile liability policies.
  - (e) Notice of Cancellation or Change in Coverage Endorsement  
This policy may not be canceled nor the coverage reduced by the company without 30 days' prior written notice of such cancellation or reduction in coverage to the Risk Manager, City of Lodi, 221 West Pine St., Lodi, CA 95240.

- (f) Continuity of Coverage  
All policies shall be in effect on or before the first day of the Term of this Agreement. At least thirty (30) days prior to the expiration of each insurance policy, Contractor shall furnish a certificate(s) showing that a new or extended policy has been obtained which meets the minimum requirements of this Agreement. Contractor shall provide proof of continuing insurance on at least an annual basis during the Term. If Contractor's insurance lapses or is discontinued for any reason, Contractor shall immediately notify the City and immediately obtain replacement insurance. Contractor agrees and stipulates that any insurance coverage provided to the City of Lodi shall provide for a claims period following termination of coverage which is at least consistent with the claims period or statutes of limitations found in the California Tort Claims Act (California Government Code Section 810 et seq.).
- (g) Failure to Comply  
If Contractor fails or refuses to obtain and maintain the required insurance, or fails to provide proof of coverage, the City may obtain the insurance. Contractor shall reimburse the City for premiums paid, with interest on the premium paid by the City at the maximum allowable legal rate then in effect in California. The City shall notify Contractor of such payment of premiums within thirty (30) days of payment stating the amount paid, the name(s) of the insurer(s), and rate of interest. Contractor shall pay such reimbursement and interest on the first (1st) day of the month following the City's notice. Notwithstanding any other provision of this Agreement, if Contractor fails or refuses to obtain or maintain insurance as required by this agreement, or fails to provide proof of insurance, the City may terminate this Agreement upon such breach. Upon such termination, Contractor shall immediately cease use of the Site or facilities and commence and diligently pursue the removal of any and all of its personal property from the site or facilities.
- (h) Verification of Coverage  
Consultant shall furnish the City with a certificate of the applicable. All certificates are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them.
- (i) Self-Insured Retentions  
Self-insured retentions must be declared to and approved by the City. The City may require the Contractor to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.
- (j) Insurance Limits  
The limits of insurance described herein shall not limit the liability of the Contractor and Contractor's officers, employees, agents, representatives or subcontractors. Contractor's obligation to defend, indemnify and hold the City and its officers, officials, employees, agents and volunteers harmless under the provisions of this paragraph is not limited to or restricted by any requirement in the Agreement for Contractor to procure and maintain a policy of insurance.
- (k) Subcontractors  
Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Consultant shall ensure that City is an additional insured on insurance required from subcontractors
- (l) Qualified Insurer(s)  
All insurance required by the terms of this Agreement must be provided by insurers licensed to do business in the State of California which are rated at least "A-, VI" by the AM Best Ratings Guide, and which are acceptable to the City. Non-admitted surplus lines carriers may be accepted provided they are included on the most recent list of California eligible surplus lines insurers (LESLI list) and otherwise meet City requirements.



RESOLUTION NO. 2024-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING CITY MANAGER TO EXECUTE AMENDMENT NO. 1 WITH TROJAN TECHNOLOGIES GROUP ULC, A SOLE SOURCE VENDOR, OF LONDON, ONTARIO FOR ULTRAVIOLET DISINFECTION SERVICE AND PARTS AT WHITE SLOUGH WATER POLLUTION CONTROL FACILITY

WHEREAS, the ultra violet (UV) system disinfects the City's tertiary treated wastewater at White Slough Water Pollution Control Facility (WSWPCF) and is regulated by the California Regional Water Quality Control Board; and

WHEREAS, on July 20, 2022, Council authorized the City Manager to execute a 3-year Professional Services Agreement in the amount of \$1,050,000 with Trojan Technologies for providing UV disinfection services and parts at the WSWPCF; and

WHEREAS, Amendment No. 1 includes funding to procure the service and materials needed to replace the lamps, wiper mechanisms, ballasts and additional components for the initial three-year contract term including the optional two-one-year extensions; and

WHEREAS, staff recommends authorizing the City Manager to execute Amendment No. 1 with Trojan Technologies Group ULC, a Sole Source Vendor, of London, Ontario for Ultraviolet Disinfection Service and Parts at White Slough Water Pollution Control Facility in the amount of \$846,000 for a total contract not-to-exceed amount of \$1,896,000.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute Amendment No. 1 with Trojan Technologies Group ULC, a Sole Source Vendor, of London, Ontario for Ultraviolet Disinfection Service and Parts at White Slough Water Pollution Control Facility in the amount of \$846,000 for a total contract not-to-exceed amount of \$1,896,000.

DATED: November 6, 2024

I hereby certify that Resolution No. 2024-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 6, 2024, by the following vote:

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

OLIVIA NASHED  
City Clerk

2024-\_\_\_\_\_




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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Adopt a Resolution Approving Updates to the City of Lodi Public Transportation Agency Safety Plan (PW)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Public Works Director

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**RECOMMENDED ACTION:**

Adopt a resolution approving annual updates to the City of Lodi Public Transportation Agency Safety Plan.

**BACKGROUND INFORMATION:**

The City of Lodi's Public Transportation Agency Safety Plan (PTASP) is a requirement for Federal Transit Administration (FTA) funding and was developed in accordance with FTA's final rule for PTASPs, 49 CFR Part 637, as authorized by the Moving Ahead for Progress in the 21st Century Act. The final rule requires transit operators develop and implement a PTASP based on the Safety Management System (SMS) approach.

SMS is the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies and is meant to ensure a formalized, proactive, and data-driven approach to safety risk management. The existing PTASP was adopted by Lodi City Council on June 17, 2020 and was last updated on December 20, 2023.

This 2024 annual update includes revised Safety Performance Targets (SPTs) based on FY 2023-24 operating data, criteria and safety event definition clarifications in accordance with 2024 FTA guidance, and routine updates to the organizational chart reflecting staffing changes. Per the update, the City of Lodi's GrapeLine safety performance targets reflect zero fatalities, zero major injuries, and 0.14 safety events (i.e. major vehicle collisions or accidents) per 100,000 miles. The average distance between service-affecting mechanical failures is 13,028 miles for fixed route, and 19,585 miles for Dial-a-Ride/ADA Paratransit.

Staff recommends approving updates to the City of Lodi Public Transportation Agency Safety Plan and authorizing Public Works Director to execute updated Public Transportation Agency Safety Plan.

**STRATEGIC VISION:**

7G. Public Safety: High levels of community involvement by public safety employees.

**FISCAL IMPACT:**

An annually updated PTASP is required by FTA regulations and for continued FTA funding of transit services.

**FUNDING AVAILABLE:**

Not Applicable.

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## COUNCIL COMMUNICATION

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Charles E. Swimley  
Public Works Director

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Scott R. Carney  
City Manager





# **Public Transportation Agency Safety Plan**

**Adopted June 2020**

***Updated October 2024***

# CONTENTS

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<b>1. TRANSIT AGENCY INFORMATION</b> .....	<b>3</b>
Accountable Executive .....	3
Chief Safety Officer .....	3
<b>2. PLAN DEVELOPMENT, APPROVAL, AND UPDATES</b> .....	<b>4</b>
Signature by the Accountable Executive.....	4
Approval by Lodi City Council.....	4
Certification of Compliance .....	4
Plan Review & Updates .....	5
<b>3. DEFINITIONS AND ACRONYMS</b> .....	<b>5</b>
<b>4. SAFETY PERFORMANCE TARGETS (SPTs)</b> .....	<b>9</b>
Reportable Fatalities .....	9
Reportable Injuries.....	10
Reportable Safety Events.....	11
System Reliability.....	11
Location of Occurrence.....	12
Minimizing Exposure To Infectious Disease .....	12
Safety Performance Target Coordination .....	13
<b>5. SAFETY MANAGEMENT SYSTEM (SMS)</b> .....	<b>13</b>
<b>5 – (1) SAFETY MANAGEMENT POLICY (SMP)</b> .....	<b>14</b>
City of Lodi Safety Management Policy (SMP) .....	14
Safety Management Policy Communication .....	15
Employee Safety Reporting Program .....	15
Non-Punitive Reporting Policy.....	16
SMP/S Authorities, Accountabilities, and Responsibilities .....	17
<b>5 – (2) SAFETY RISK MANAGEMENT (SRM)</b> .....	<b>19</b>
Safety Hazard Identification .....	19
Safety Risk Assessment .....	20
Safety Risk Mitigation .....	22
<b>5 – (3) SAFETY ASSURANCE</b> .....	<b>23</b>

<b>Safety Performance Monitoring and Measurement</b> .....	23
<b>5 – (4) SAFETY PROMOTION</b> .....	<b>25</b>
<b>Safety Communication &amp; Safety Culture</b> .....	25
<b>Competencies &amp; Training</b> .....	27
<b>6. DOCUMENTATION</b> .....	<b>29</b>
<b>7. APPENDICES</b> .....	<b>30</b>
Appendix A – Staff Safety Roles Organizational Chart	
Appendix B – Documentation of City Council PTASP Approval	
Appendix C – Record of Revisions	

# 1. TRANSIT AGENCY INFORMATION

<b>Transit Agency</b>	<b>Name</b>		<b>Address</b>	
	City of Lodi		221 West Pine Street, Lodi, CA 95240	
<b>Accountable Executive</b>	<b>Name</b>		<b>Title</b>	
	Charles E. Swimley, Jr.		Public Works Director	
<b>Chief Safety Officer</b>	<b>Name</b>		<b>Title</b>	
	Julia Tyack		Transportation Manager	
<b>Mode(s) of Service Covered by This Plan:</b>			<b>List All FTA Funding Types (e.g., 5307, 5337, 5339):</b>	
Fixed Route Bus: Motorbus (MB)			5307, 5339	
Non-Fixed Route Bus: Demand Response (DR)			5307, 5339	
<b>Mode(s) of Service Provided by the CITY OF LODI (Directly operated or contracted service)</b>				
Fixed Route: Motorbus (MB) – contracted service				
Non-Fixed Route: Demand Response (DR) – contracted service				
<b>Does the agency provide transit services on behalf of another transit agency or entity?</b>	<b>Yes</b>	<b>No</b>	<b>Description of Arrangement(s)</b>	
		X	N/A	
<b>Transit Agency(ies) or Entity(ies) for Which Service Is Provided</b>	<b>Name</b>		<b>Address</b>	
	N/A			
	N/A			

## ACCOUNTABLE EXECUTIVE

City of Lodi’s Accountable Executive is the Public Works Director. The Public Works Director is the single, identifiable person who has ultimate responsibility for carrying out this Agency Safety Plan and the City of Lodi’s Transit Asset Management (TAM) Plan, and control or direction over the human and capital resources needed to develop and maintain both this Plan and the TAM Plan.

The Public Works Director is accountable for ensuring that the Agency’s Safety Management Systems (SMS) is effectively implemented throughout the Agency’s public transportation system. The Public Works Director is accountable for ensuring action is taken as necessary, to address substandard performance in the Agency’s SMS. The Public Works Director may delegate specific responsibilities, but the ultimate accountability for the Transit Agency’s safety performance cannot be delegated and always rests with the Public Works Director.

## CHIEF SAFETY OFFICER

The Public Works Director designates the Transportation Manager as City of Lodi’s Chief Safety Officer who has the authority and responsibility for day-to-day implementation and operation of the Agency’s SMS. The Chief Safety Officer holds a direct line of reporting to the Accountable Executive, as shown in the organization chart in **Appendix A**, and has a strong working relationship with the operations and asset management functions at City of Lodi.

## **2. PLAN DEVELOPMENT, APPROVAL, AND UPDATES**

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The City of Lodi developed the contents of this Public Transportation Agency Safety Plan (PTASP) to meet the requirements specified in 49 CFR Part 673. This Plan is based on the four (4) principles or pillars of the Safety Management System (SMS). SMS is defined as the formal, top-down, organization-wide, data-driven approach to managing safety risk and assuring the effectiveness of safety mitigations. It includes systematic policies, procedures, and practices for the management of safety risk. The four principles or pillars of SMS are: (1) Safety Management Policy; (2) Safety Risk Management; (3) Safety Assurance; and (4) Safety Promotion.

The Federal Transit Administration (FTA) will oversee compliance with the requirements of Part 673 through the existing Triennial Review Process.

### **SIGNATURE BY THE ACCOUNTABLE EXECUTIVE**

The City of Lodi developed this plan. By signature below, the Accountable Executive confirms the development of this plan.



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Charles E. Swimley, Jr., Accountable Executive



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Date Signed

### **APPROVAL BY LODI CITY COUNCIL**

The Lodi City Council approved this Plan during its June 17, 2020 City Council meeting, as documented in Resolution # 2020-130. Documentation of Council approval is found in **Appendix B**.

The Lodi City Council approved updates to this Plan during its December 20, 2023 City Council meeting, as documented in Resolution # 2023-285. Documentation of Council approval is founded in **Appendix B**.

### **CERTIFICATION OF COMPLIANCE**

Pursuant to 49 CFR Parts 673.13(a) and 673.13(b), City of Lodi certifies that it has established this Agency Safety Plan, meeting the requirements of 49 CFR Part 673 by July 20, 2020.

FTA does not require this plan to be submitted to FTA. Instead, City of Lodi will certify that it has established this Safety Plan, which fulfills the requirements under Part 673. FTA annually amends and issues the list of Certifications and Assurances. City of Lodi will review such guidance for incorporation into the safety program as necessary.

## PLAN REVIEW & UPDATES

City of Lodi updates this Safety Plan when information, processes or activities change within the Agency and/or when Part 673 undergoes significant changes, or annually, whichever comes sooner. As City of Lodi collects data through its Safety Risk Management and Safety Assurance processes, shared with the California Department of Transportation, Caltrans, and the local Metropolitan Planning Organization, San Joaquin Council of Governments (SJCOG). SJCOG and Caltrans will evaluate City of Lodi's Safety Performance Targets (SPTs) to determine whether they need to be changed, as well.

This Plan will be jointly reviewed and updated by the Chief Safety Officer and Safety Manager, with the assistance of subject matter experts, from **July to September**. The Accountable Executive will approve any changes, and may forward on to the Lodi City Manager or City Council to approve as determined appropriate or necessary.

This Plan may need to be reviewed and updated more frequently based on the following:

- We determine our approach to mitigating safety deficiencies is ineffective;
- We make significant changes to service delivery;
- We introduce new processes or procedures that may impact safety;
- We change or re-prioritize resources available to support SMS;
- We significantly change our organizational structure.

A Record of Revisions that records the history of revisions made to the City of Lodi's PTASP is contained in **Appendix C** of this document. This document is located in the appendix to help preserve page numbering.

## 3. DEFINITIONS AND ACRONYMS

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The following definitions may be used throughout this document, and correspond to the definitions provided in 49 CFR 673.5.

**Accident** means an "event", as defined below, that involves any of the following:

1. A loss of life,
2. A report of a serious injury to a person,
3. A collision of public transportation vehicles,
4. A runaway train,
5. An evacuation for life safety reasons, or
6. Any derailment of a rail transit vehicle (any location, any time, any cause).

**Accountable Executive** means a single, identifiable individual who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan (as defined below) of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan (as defined below), and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance

with 49 U.S.C. 5329(d), and the agency’s Transit Asset Management Plan in accordance with 49 U.S.C. 5326.

**CDC** means the Centers for Disease Control and Prevention, a national public health agency within the Department of Health and Human Services. The CDC is responsible for releasing public health recommendations to prevent the spread of infectious disease.

**Chief Safety Officer** means an adequately trained individual who has responsibility for safety and reports directly to a transit agency’s chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities, unless the Chief Safety Officer is employed by a transit agency that is a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.

**Equivalent Authority** means an entity that carries out duties similar to that of a Board of Directors, for a recipient or subrecipient of FTA funds under 49 U.S.C. Chapter 53, including sufficient authority to review and approve a recipient or subrecipient's Public Transportation Agency Safety Plan.

**Event** means an “accident”, as defined above, or “incident” or “occurrence” (each as defined below).

**FTA** means the Federal Transit Administration, an operating administration within the United States Department of Transportation.

**Hazard** means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment (as defined below).

**Incident** means an “event” (as defined above), that involves any of the following:

1. A personal injury that is not a serious injury,
2. One or more injuries requiring medical transport, or
3. Damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.

**Investigation** means the process of determining the causal and contributing factors of an “accident”, “incident”, or “hazard” (each as defined here), for the purpose of preventing recurrence and mitigating risk.

**National Public Transportation Safety Plan** means the plan to improve the safety of all public transportation systems that receive federal financial assistance under 49 U.S.C. Chapter 53.

**Occurrence** means an “event” (as defined above), without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.

**Operator** of a public transportation system means a provider of public transportation as defined under 49 U.S.C. 5302(14).

**Performance measure** means an expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

**Performance target** means a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the Federal Transit Administration (FTA).

**Public Transportation Agency Safety Plan (PTASP)** means the documented comprehensive agency safety plan for a transit agency that is required by 49 U.S.C. 5329 and Part 673.

**Risk** means the composite of predicted severity and likelihood of the potential effect of a hazard.

**Risk mitigation** means a method or methods to eliminate or reduce the effects of hazards.

**Safety Assurance** means processes within a transit agency's Safety Management System that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

**Safety Management Policy** means a transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of its employees in regard to safety.

**Safety Management System (SMS)** means the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.

**Safety Performance Target (SPT)** means a Performance Target related to safety management activities.

**Safety Promotion** means a combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.

**Safety Risk Assessment (SRA)** means the formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.

**Safety Risk Management (SRM)** means a process within a transit agency's Public Transportation Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.

**Serious injury** means any injury which:

1. Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received;
2. Results in a fracture of any bone (except simple fractures of fingers, toes, or noses);
3. Causes severe hemorrhages, nerve, muscle, or tendon damage;
4. Involves any internal organ; or
5. Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.



**Small public transportation provider** means a recipient or subrecipient of Federal financial assistance under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in peak revenue service and does not operate a rail fixed guideway public transportation system.

**State** means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

**State of Good Repair (SGR)** means the condition in which a capital asset is able to operate at a full level of performance.

**Transit Agency** means an operator of a public transportation system.

**Transit Asset Management Plan** means the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR part 625.

**COMMONLY USED ACRONYMS:**

ADA	-	Americans with Disabilities Act of 1990
ASP	-	Agency Safety Plan (also referred to as a PTASP in Part 673)
CDC	-	Center for Disease Control and Prevention
CFR	-	Code of Federal Regulations
ESRP	-	Employee Safety Reporting Program
CSO	-	Chief Safety Officer
FTA	-	Federal Transit Administration
MAP-21	-	Moving Ahead for Progress in the 21st Century
MPO	-	Metropolitan Planning Organization
NTD	-	National Transit Database
Part 673	-	49 CFR Part 673 (Public Transportation Agency Safety Plan)
PTASP	-	Public Transportation Agency Safety Plan
SGR	-	State of Good Repair
SMS	-	Safety Management System
SOP	-	Standard Operating Procedure
SRM	-	Safety Risk Management
TAM	-	Transit Asset Management
U.S.C.	-	United States Code
VRM	-	Vehicle Revenue Miles

## 4. SAFETY PERFORMANCE TARGETS (SPTs)

As part of this Safety Plan, the City of Lodi has developed Safety Performance Targets (SPTs) that it will review and update annually. The specific safety performance targets are based on the safety performance measures established under the National Public Transportation Safety Plan. FTA has adopted four initial safety performance measures: (1) Fatalities Events, (2) Injuries Events, (3) Safety Events, and (4) System Reliability. The safety performance targets set by City of Lodi are based on the past three (3) fiscal years of data, beginning July 2021.

Mode of Transit Service	Fatalities (Total # of Reportable Fatalities)	Fatalities (Rate per 100K VRM)	Injuries (Total # of Reportable Injuries)	Injuries (Rate per 100K VRM)	Safety Events (Total # of Reportable Events)	Safety Events (Rate per 100K VRM)	System Reliability: Average Distance b/w Major Mechanical Failures (Failures / VRM)
Fixed Route Bus Mode (MB)	0*	0	0	0	1	0.14	13,028
Demand Response/ADA Paratransit Mode (DR)	0	0	0	0	0	0	19,585

Table figures updated October 2024.

System Performance Measures are defined below. These definitions were obtained from the 2024 *National Transit Database (NTD) Safety and Security Policy Manual*, released February 2024.

### REPORTABLE FATALITIES

*Death confirmed within 30 days of a safety event (including suicides). Fatalities that occur because of illnesses, drug overdoses, or other natural causes (including individuals who are found deceased) are not reportable.*

The City of Lodi has had zero reportable fatalities in the past three years.

The target for the next year, 2025, is zero.

**REPORTABLE INJURIES**

*Injury means any harm to persons as a result of an event that requires immediate medical attention away from the scene. Each person transported away from the scene for medical attention is a reportable injury, even if the person does not appear to be injured. The injury is reportable even if they are not transported via ambulance; the reportable event is based on the immediate requirement for medical attention.*

*Does not include harm resulting from a drug overdose, exposure to the elements, illness, natural causes, or occupational safety events occurring in administrative buildings. Illnesses that require transport away from the scene for medical attention is not reportable if the illness is unrelated to a safety event.*

*If an individual seeks medical care several hours after an event or in the days following an event, that does not constitute immediate medical transportation away from the scene. This criterion requires that the individual receive medical attention at a location other than the location at which the event occurred. This distinction serves to exclude minor first aid or other minor medical assistance received at the scene.*

*Persons who are transported away from the scene for the following reasons are not reportable:*

- *Illness, natural causes, exposure to the elements, intoxication, drug overdose, or mental health evaluation unrelated to a specific reportable event*
- *Declarations or allegations of self-harm with no evident injury.*

**The City of Lodi has had zero injuries meeting this definition in the past three years.**

Date	Description of Event
<b>10/10/2023</b>	Passenger requested ambulance due to pain; passenger stated the pain was from a recent surgery. Event did not meet the Reportable Injury criteria because injury was due to a passenger condition (surgery) & unrelated to a transit safety event.
<b>4/22/2024</b>	Passenger was lethargic on bus, fell, and requested ambulance; passenger stated they had low blood pressure. Event did not meet the Reportable Injury criteria because injury was due to a passenger condition (illness) & unrelated to a transit safety event.

**The target for the next year, 2024, is the same rate.**

**REPORTABLE SAFETY EVENTS**

***Evacuation:** a condition that occurs when persons depart from transit vehicles or facilities for life-safety reasons.*

*Causes of evacuations that constitute an imminent danger (life-safety) to passengers, employees, or other persons include: fires, smoke/fumes, hazardous material spills, vehicle leaks, weapon fired on a vehicle, electrical hazards, bomb threats, suspicious items, security, power failure (if there is imminent danger to passengers), mechanical failure (if there is imminent danger to passengers, or other safety events). Evacuations are a safety event even if the event is off-property. For example, gas leak, fire, or bomb threat in an adjacent property.*

*Self-evacuations that occur when people vacate transit property without direction from transit personnel or authority are not automatically a reportable safety event.*

***Property Damage:** an event resulting property damage equal to or exceeding \$25,000. Damage includes not just damage to property, but also cost of clearing damage/property.*

***Collisions:** meets a fatality, injury, evacuation, or property damage threshold; involves tow-away of vehicle (transit or non-transit) from scene; includes suicides, attempted suicides, assaults, or homicides resulting in an injury or fatality that involve contact with a transit vehicle; includes collisions that do not involve a transit revenue vehicle but meet a threshold.*

**The City of Lodi has had one reportable safety event.**

Date	Description of Event
<b>10/4/2022</b>	Operator struck bus wash equipment at the Municipal Services Center resulting in \$29,346.22 of damages. Accident determined to be preventable.

**The target for the next year, 2024, is zero safety events.**

**SYSTEM RELIABILITY**

*Major mechanical failure preventing a vehicle from completing or starting scheduled trip, defined by average distance between major mechanical failures.*

**The City of Lodi has an average of 13,028 vehicle revenue miles between major mechanical failures in fixed route.**

**The City of Lodi has an average of 19,585 vehicle revenue miles between major mechanical failures in Dial-A-Ride.**

To calculate SPTs, the City of Lodi referred to system safety data, including:

- Accident investigation reports (with causal factor analysis)
- Internal safety audits (or reviews)
- Injury reports
- Safety event reports (including accidents, incidents, and occurrences)
- System monitoring (including monthly reports, and testing and inspection records)

## **LOCATION OF OCCURRENCE**

Safety events should meet the following location requirements:

- Occurs at a transit revenue facility, maintenance facility, or rail yard;
- Occurs on transit right-of-way or infrastructure (the underlying framework or structures that support a public transportation system);
- Occurs during a transit-related maintenance activity; or
- Involves a transit revenue vehicle.

Safety event location requirements do not include:

- Events that occur off transit property where affected persons, vehicles, or objects come to rest on transit property after the event;
- Occupational safety events occurring in administrative buildings;
- Deaths that are confirmed to be a result of illness, drug overdose or other natural causes, outside of a reportable event
- Other events (assault, robbery, non-transit vehicle collisions, etc.) occurring at bus stops or shelters that are not on transit-owned property-unless the event involves either a transit vehicle or a person boarding/alighting from a vehicle
- Collisions that occur while transit personnel are travelling to or from a transit-related maintenance activity; and
- Collisions involving a supervisor car or other non-revenue transit service vehicle operating on public roads.

## **MINIMIZING EXPOSURE TO INFECTIOUS DISEASE**

Throughout the COVID-19 pandemic, the City of Lodi implemented many ongoing strategies to minimize the exposure and spread of infectious diseases. These strategies were formulated in accordance to guidelines and recommendations provided by CDC, California Division of Occupational Safety & Health (Cal/OSHA), and local health authorities (Public Health Services of San Joaquin County and California Department of Public Health). They included:

- Driver health & symptom screening for COVID-19
- Mask mandates as directed by health authorities; mask recommendations following expiration of mask mandate

- Installation of sanitation stations (hand sanitizer dispensers) at all building entrances, including employee-only and public areas
- Personal protection equipment (PPE) such as masks, and sanitization supplies made available for all staff. Masks available upon request for passengers.
- Enhanced bus cleaning protocols, including disinfectant spraying, disinfecting wipe-downs of high touch areas, and increased ventilation.
- Distribution of official educational materials (e.g. flyers) created by public health authorities
- Installation of driver germ barriers on all buses and at the Transit Station lobby
- Implementation of remote meeting options.

As a key safety performance goal, staff actively continues to assess new strategies to minimize exposure to infectious disease, per the the Safety Management System outlined in the following sections.

## **SAFETY PERFORMANCE TARGET COORDINATION**

FTA requires City of Lodi to coordinate with the State of California Department of Transportation (Caltrans) and the regional MPO, San Joaquin Council of Governments (SJCOG), in the selection of state and MPO safety performance targets, to the maximum extent practicable. Pursuant to 49 CFR Part 673.15(a), City of Lodi will make safety performance targets available to Caltrans and SJCOG to aid in the planning process upon certification of this plan. Additionally, City of Lodi will transmit performance data against the safety performance targets to Caltrans and SJCOG on an annual basis.

## **5. SAFETY MANAGEMENT SYSTEM (SMS)**

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SMS is a comprehensive, collaborative approach that brings management and labor together to build on the transit industry’s existing safety foundation to control risk better, detect and correct safety problems earlier, share and analyze safety data more effectively, and measure safety performance more carefully. City of Lodi’s SMS focuses on applying resources to risk and is based on ensuring that the City of Lodi has the organizational infrastructure to support decision-making at all levels regarding the assignment of resources. Some key parts of City of Lodi’s SMS include:

- Defined roles and responsibilities;
- Strong executive safety leadership;
- Formal safety accountabilities and communication;
- Effective policies and procedures; and
- Active employee involvement

Furthermore, City of Lodi’s SMS has four distinct components, which are discussed in subsequent sections to this Safety Plan:

- (1) Safety Management Policy
- (2) Safety Risk Management
- (3) Safety Assurance
- (4) Safety Promotion

## **5 – (1) SAFETY MANAGEMENT POLICY (SMP)**

The first component of the City of Lodi’s SMS is the Safety Management Policy, which is the foundation of the City of Lodi’s safety management system. It clearly states the organization’s safety objectives and sets forth the policies, procedures, and organizational structures necessary to accomplish the safety objectives. The Safety Management Policy clearly defines management and employee responsibilities for safety throughout the organization. It also ensures that management is actively engaged in the oversight of the system’s safety performance by requiring regular review of the Safety Management Policy, budget and program by the designated Accountable Executive.

### **City of Lodi Safety Management Policy (SMP)**

Safety is a core value at City of Lodi and managing safety is a core business function. City of Lodi will develop, implement, maintain, and continuously improve processes to ensure the safety of our customers, employees, and the public. City of Lodi’s overall safety objective is to proactively manage safety hazards and their associated safety risk, with the intent to eliminate unacceptable safety risk in our transit operations.

City of Lodi will:

- Clearly, and continuously explain to all staff that everyone working within City of Lodi must take part and be responsible and accountable for the development and operation of the Safety Management System (SMS).
- Work continuously to minimize safety risks. Work to comply with and, wherever possible, exceed legislative and regulatory requirements and standards for passengers and employees. This includes following best-practice safety recommendations given by State or Federal agencies (e.g. California Department of Public Health and Centers for Disease Control and Prevention) to minimize the exposure or spread of infectious disease
- Work to ensure that all employees are provided appropriate safety information and training, are competent in safety matters, and assigned tasks commensurate with duties and skills.
- Reaffirm that responsibility for making our operations safer for everyone lies with all employees – from executive management to frontline employees. Each manager is responsible for implementing the SMS in their area of responsibility and will be held accountable to ensure that all reasonable steps are taken to perform activities established through the SMS.

City of Lodi established safety performance targets to help measure the overall effectiveness of our processes and ensure we meet our safety objectives. City of Lodi will

keep employees informed about safety performance goals and objectives to ensure continuous safety improvement.

### **Safety Management Policy Communication**

The Safety Management Policy is communicated throughout the Agency, to all employees, managers, and executives, as well as contractors, and to the Lodi City Council.

This is accomplished through various processes such as:

- Workshops/training sessions - Conducted for Senior Management, Directors, Managers, Supervisors. Once this Plan or any update to this Plan has been signed by the CEO/General Manager approved by the Board of Directors and certified by Caltrans it will become standard practice in perpetuity so that SMS becomes standard business practice. All Union representatives will be kept informed.
- New Hire Safety Orientation – All new employees regardless of their classifications will be trained about their roles and responsibilities pertaining to PTASP and the principles of SMS.
- Safety bulletins, email safety newsletter blasts to staff, toolbox/tailgate safety meetings and/or safety committee meetings

### **Employee Safety Reporting Program**

City of Lodi implemented a process that allows employees [and contracted employees] to report safety conditions to senior management, protections for employees who report safety conditions to senior management. The purpose, description and protections for employees to report unsafe conditions and hazards are described in the Employee Safety Reporting Program as below:

#### **Purpose:**

- a) To establish a system for City of Lodi employees to identify unsafe conditions or hazards at work and report them to their department management without fear of reprisal. However, disciplinary action could result if the condition reported reveals the employee willfully participated in or conducted an illegal act, gross negligence or deliberate or willful disregard of regulations or procedures, including reporting to work under the influence of controlled substances, physical assault of a coworker or passenger, theft of agency property, unreported safety events, unreported collisions, and unreported passenger injuries or fatalities.
- b) To provide guidelines for facilitating the timely correction of unsafe conditions or hazards by City of Lodi management.

#### **Description:**

- a) This program provides a method for City of Lodi management to identify, evaluate, and correct or avoid unsafe conditions or hazards, procedural deficiencies, design inadequacies, equipment failures, or near misses that adversely affect the safety of employees.



Examples of voluntary safety reports may include, but are not limited to:

- Safety hazards in the operating environment (for example, county or city road conditions),
- Health hazards in the operating environment, especially with regards to the spread of infectious diseases (for example, lack of adequate personal protection equipment),
- Policies and procedures that are not working as intended (for example, insufficient time to complete pre-trip inspection),
- Events that senior managers might not otherwise know about (for example, near misses), and
- Information about why a safety event occurred (for example, radio communication challenges).
  - a) The program also involves recommending corrective actions and resolutions of identified unsafe conditions or hazards and/or near miss.
  - b) All employees have the obligation to report immediately any unsafe conditions or hazards and near miss to their immediate supervisor /department manager and may do so without fear of reprisal.
  - c) Unsafe conditions or hazards may also be identified as a result of occupational injury or illness investigations and/or by accident investigation.
  - d) Other means by which hazards may be identified are inspections/audits or observations made by the supervisors/management staff as referenced in agency's Safety Inspection Program.
  - e) Findings will be published immediately following mitigation actions. If employee identification is available, direct feedback regarding mitigation will be provided.

### **Non-Punitive Reporting Policy**

City of Lodi committed to the safest transit operating standards practicable. To achieve this, it is imperative that City of Lodi have uninhibited reporting of all safety events that may compromise safe operations. To this end, every employee is responsible for the communication of any information that may affect the integrity of transit safety. Such communication must be completely free of any form of reprisal.

City of Lodi will not take disciplinary action against any employee who discloses a safety event. This policy shall not apply to information received by City of Lodi from a source other than the employee, or that involves an illegal act, or a deliberate or willful disregard of rules, regulations, or agency policies or procedures.

City of Lodi's method of collection, recording, and disseminating information obtained from transit safety reports has been developed to protect, to the extent permissible by law, the identity of any employee who provides transit safety information.

## **SMP/S Authorities, Accountabilities, and Responsibilities**

This Plan has assigned specific SMS authorities, accountabilities, and responsibilities to the designated Accountable Executive; Chief Safety Officer; Agency's Leadership/Executive Management; and Key Staff/Employees as described below:

### *Accountable Executive*

City of Lodi's Accountable Executive is the Public Works Director. The Public Works Director is accountable for ensuring that the Agency's SMS is effectively implemented throughout the Agency's public transportation system. The Public Works Director is accountable for ensuring action is taken, as necessary, to address substandard performance in the Agency's SMS. The Public Works Director may delegate specific responsibilities, but the ultimate accountability for the City of Lodi's safety performance cannot be delegated and always rests with the Public Works Director. The Public Works Director is accountable for ensuring that the Agency's SMS is effectively implemented, and that action is taken, as necessary, to address substandard performance in the Agency's SMS. The Accountable Executive may delegate specific responsibilities, but not accountability for City of Lodi's safety performance.

The Public Works Director roles include, but are not limited to:

- Decision-making about resources (e.g. people and funds) to support asset management, SMS activities, and capital investments;
- Signing SMS implementation planning documents;
- Endorsing SMS implementation team membership; and
- Ensuring safety concerns are considered and addressed in the agency's ongoing budget planning process.
- Ensuring transparency in safety priorities: for the Board of Directors and for the employees.
- Establishing guidance on the level of safety risk acceptable to the agency.
- Assuring safety policy is appropriately communicated throughout the agency.
- Other duties as assigned/necessary.

### *Chief Safety Officer*

The Chief Safety Officer has the authority and responsibility for day-to-day implementation and operation of the City of Lodi's SMS.

Chief Safety Officer's Roles include:

- Decision-making about resources (e.g., people and funds) to support asset management, SMS activities, and capital investments;

- Overseeing the safety risk management program by facilitating hazard identification, safety risk assessment, and the development and implementation of safety risk mitigations.
- Monitoring safety risk mitigation activities;
- Providing periodic reports on safety performance;
- Briefing the Accountable Executive and Lodi City Council on SMS implementation progress;
- Planning safety management training; and
- Developing and organizing annual audits/reviews of SMS processes and the Agency Safety Plan to ensure compliance with 49 CFR Part 673 requirements.
- Maintaining safety documentation.
- Other duties as assigned/necessary.

### *Key Staff*

The Safety Manager, Contract General Manager, Contract Safety & Training Manager, Fleet Superintendent and Facilities Supervisor comprise Key Staff. Some of their responsibilities include:

- Day-to-day implementation of the Agency’s SMS throughout their department and the organization.
- Communicating safety accountability and responsibility from the frontline employees to the top of the organization.
- Ensuring employees are following their working rules and procedures, safety rules and regulations in performing their jobs, and their specific roles and responsibilities in the implementation of this Agency Safety Plan and the Agency’s SMS.
- Ensuring that employees comply with the safety reporting program and are reporting unsafe conditions and hazards to their department management; and making sure reported unsafe conditions and hazards are addressed in a timely manner.
- Ensuring that resources are sufficient to carry out employee training/certification and re-training as required by their job classifications.
- Ensuring safety of passengers, employees, and the public.
- Responding to customer complaints and expectations for frequency, reliability, and convenience of service.
- Replacing and maintaining aging facilities, equipment, and infrastructure.
- Meeting increasing demands for fixed route, commuter service and paratransit service.
- Developing and maintaining programs to gather pertinent data elements to develop safety performance reports and conduct useful statistical analyses to identify trends and system performance targets.

- Establishing clear lines of safety communication and holding accountability for safety performance.
- Assisting as subject matter experts in safety risk assessment and safety risk mitigation processes.

## **5 – (2) SAFETY RISK MANAGEMENT (SRM)**

The second component of the City of Lodi’s SMS is Safety Risk Management, which includes processes and procedures to provide an understanding of the Agency’s operations and vehicle maintenance to allow individuals to identify hazards associated with those activities.

City of Lodi has implemented a Safety Risk Management process for all elements of its transportation system. The Safety Risk Management process includes the following activities:

- Safety hazard identification
- Safety risk assessment, and
- Safety risk mitigation.

### **Safety Hazard Identification**

Hazard identification is the first step in the Safety Risk Management process and a key component. It involves these fundamental safety-related activities: Identifying safety hazards and their consequences; assessing the risks associated with the consequences of the hazards; and developing mitigations to reduce the potential consequences of the identified hazards.

The following is City of Lodi’s methods and processes to identify hazards. The Agency considers, as a source for hazard identification, data and information provided by an oversight authority and the FTA. Hazards are identified through a variety of sources, including:

- Employee safety reporting,
- Review of vehicle camera footage,
- Review of monthly performance data and safety performance targets,
- Observations from supervisors,
- Maintenance reports,
- Comments from customers, passengers, and third parties,
- Safety committee, driver and all-staff meetings,
- Results of audits and inspections of vehicles and facilities,
- Results of training assessments
- Investigations into safety events, incidents and occurrences, and
- Information from FTA and oversight authorities.
- Public health information from public health agencies, such as the CDC.

When a hazard has been identified, whatever the source, it is reported to the City of Lodi Chief Safety Officer, who enters it into the Hazard Log. The Chief Safety Officer also may enter hazards into this log based on reviews of operations and maintenance activities and procedures.

The Chief Safety Officer will investigate hazards to collect information and determine if hazards need to be entered into the safety risk assessment process. In following up on identified hazards, the Chief Safety Officer may:

- Reach out to the reporting party, if available, to gather all known information about the reported hazard,
- Conduct a walkthrough of the affected area, assessing the possible hazardous condition, generating visual documentation (photographs and/or video), and taking any measurements deemed necessary,
- Conduct interviews with employees in the area to gather potentially relevant information on the reported hazard,
- Review any documentation associated with the hazard (records, reports, procedures, inspections, technical documents, etc.),
- Contact other departments that may have association with or technical knowledge relevant to the reported hazard,
- Review any past reported hazards of a similar nature, and
- Evaluate tasks and/or processes associated with the reported hazard.

City of Lodi's Chief Safety Officer will then prepare an agenda to discuss identified hazards and consequences with the Safety Committee during monthly meetings. This agenda may include additional background on the hazards and consequences, such as the results of trend analyses, vehicle camera footage, vendor documentation, reports and observations, or information supplied by FTA or other oversight authorities.

Any identified hazard that poses an immediate risk to transit operations, the health and safety of employees or the public, or equipment must immediately be brought to the attention of the Accountable Executive and placed through the Safety Risk Management process for safety risk assessment and mitigation. Otherwise, hazards will be prioritized for further Safety Risk Management activity.

### **Safety Risk Assessment**

Safety risk assessment defines the level or degree of the safety risk by assessing the likelihood and severity of the consequences of hazards and prioritizes hazards based on the safety risk. The Chief Safety Officer, with assistance from key staff subject matter experts, is responsible for assessing identified hazards and ratings using the safety risk matrix below. Prioritizing safety risk provides the Accountable Executive with the information needed to make decisions about resource application.

The following matrix, adopted from the TSI Participation Guide – SMS Principles for Transit, facilitates the ranking of hazards based on their probability of occurrence and severity of their outcome.

Probability Levels			
Description	Level	Specific Individual Item	Fleet Inventory
Frequent	A	Likely to occur often in the life of an item.	Continuously experienced.
Probable	B	Will occur several times in the life of an item.	Will occur frequently.
Occasional	C	Likely to occur sometime in the life of an item.	Will occur several times.
Remote	D	Unlikely, but possible to occur in the life of an item.	Unlikely, but can reasonably be expected to occur.
Improbable	E	So unlikely, it can be assumed occurrence man not be experienced in the life of an item.	Unlikely to occur, but possible.
Eliminated	F	Incapable of occurrence. This level is used when potential hazards are identified and later eliminated.	Incapable of occurrence. This level is used when potential hazards are identified and later eliminated.

The measuring goes from A to F with A being frequent or likely to occur frequently and E being improbable or expected that this event will most likely never occur. The designation F is used when potential hazards are identified and later eliminated.

Severity Levels		
Description	Level	Mishap Result Criteria
Catastrophic	1	Could Result in one or more of the following: death, permanent total disability, irreversible significant environmental impact, or monetary loss equal to or exceeding \$10M
Critical	2	Could result in one or more of the following: permanent partial disability, injuries or occupational illness that may result in hospitalization of at least three personnel, reversible significant environmental impact, or monetary loss equal to or exceeding \$1M but less than \$10M
Marginal	3	Could result in one or more of the following: injuries or occupational illness resulting in one or more lost work day(s), reversible moderate environmental impact, or monetary loss equal to or exceeding \$100k but less than \$1M
Negligible	4	Could result in one or more of the following: injuries or occupational illness not resulting in lost work day, minimum environmental impact. Or monetary loss less than \$100k.

The Safety Risk Severity Table presents a typical safety risk. It includes four categories to denote the level of severity of the occurrence of a consequence, the meaning of each category, and the assignment of a value to each category using numbers. In this table, 1 is considered catastrophic meaning possible deaths and equipment destroyed and 4 is considered negligible or of little consequence with two levels in between.

Safety Risk Probability and Safety Risk Severity are combined into the Safety Risk Index Ranking to help prioritize safety risks according to the table below.

Safety Risk Assessment Matrix				
Severity → Probability ↓	Catastrophic 1	Critical 2	Marginal 3	Negligible 4
A-Frequent	1A	2A	3A	4A
B- Probable	1B	2B	3B	4B
C-Occasional	1C	2C	3C	4C
D- Remote	1D	2D	3D	4D
E- Improbable	1E	2E	3E	4E
F- Eliminated				
Safety Risk Index Ranking				
1A, 1B, 1C, 2A, 2B	High	Unacceptable		
1D, 2C, 3A, 3B	Serious	Undesirable - With management decision required		
1E, 2D, 2E, 3C, 3D, 3E, 4A, 4B,	Medium	Acceptable - with review by management		
4C, 4D, 4E	Low	Acceptable - without review		

The Chief Safety Officer documents recommendations regarding hazard rating and mitigation options and reports this information to the Accountable Executive.

### **Safety Risk Mitigation**

The Chief Safety Officer, assisted by Key Staff subject matter experts, reviews current safety risk mitigations and establish procedures to 1) eliminate; 2) mitigate; 3) accept specific risks. Prioritization of safety remediation measures is based on risk analysis and a course of action acceptable to City of Lodi management.

The safety risk must be mitigated if ranked as Unacceptable (High- Red). Those safety risks that have been mitigated, even those mitigated risks shown as Acceptable status (Low-Green) undergo regular and consistent monitoring to ensure the mitigation strategy is effective.

Key strategies to minimize the types of risks that potentially exist include:

- Development and deployment of policies and procedures that address known hazards and risks,
- Discussion of other actions, strategies and procedures that might help safeguard against unknown/unforeseen risks,
- Training of drivers and other agency staff on all safety policies and procedures,
- Training of drivers and other agency staff on methodologies for handling emergencies, and
- Training of drivers and staff on proper and effective use of emergency equipment and communication technologies and protocol.

Safety risk mitigations are tracked and updated in the Hazard Log by the Chief Safety Officer.

## **5 – (3) SAFETY ASSURANCE**

The third component of the Agency’s SMS is Safety Assurance, which ensures the performance and effectiveness of safety risk controls established under safety risk management. Safety assurance also helps ensure that the organization meets or exceeds its safety objectives through the collection, analysis, and assessment of data regarding the organization's performance. Safety assurance includes inspection activities to support oversight and performance monitoring.

The City of Lodi monitors its operations and maintenance protocols and procedures, and any safety risk mitigations to ensure that it is implementing them as planned. Furthermore, the Agency investigates safety events and any reports of non-compliance with applicable regulations, standards, and legal authority. Finally, the Agency continually monitors information reported to it through any internal safety reporting programs, including the employee safety reporting program.

Some of the key elements of City of Lodi’s Safety Performance Monitoring and Measurement are shown below:

### **Safety Performance Monitoring and Measurement**

As part of the Safety Assurance Process, City of Lodi:

- **Monitors the system for compliance with, and sufficiency of, the Agency’s procedures for operations and maintenance through:**
  - Safety audits,
  - Informal inspections,
  - Regular review of on-board camera footage to assess drivers and specific incidents,
  - Safety surveys,
  - Employee Safety Reporting Program (ESRP),
  - Investigation of safety occurrences,
  - Safety review prior to the launch or modification of any facet of service,
  - Daily data gathering and monitoring of data relating to the delivery of service,
  - Regular vehicle inspections and preventative maintenance, and
  - Continuous feedback loop between leadership and all levels of the agency.
  
- **Monitors its operations to identify any safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended through:**
  - Reviewing results from accident, incident, and occurrence investigations,
  - Monitoring employee safety reporting,
  - Reviewing results of internal safety audits and inspections, and



- Analyzing operational and safety data to identify emerging safety concerns.
- **Conducts investigations of safety events to identify causal factors:**  
City of Lodi maintains documented procedures for conducting safety investigations of events (accidents, incidents, and occurrences, as defined by FTA) to find causal and contributing factors and review the existing mitigations in place at the time of the event. These procedures also reflect all traffic safety reporting and investigation requirements established by California Department of Motor Vehicles.

The Chief Safety Officer maintains all documentation of City of Lodi's investigation policies, processes, forms, checklists, activities, and results. After an incident, an investigation report is prepared and reviewed by the Chief Safety Officer, Safety Manager, and contract staff General Manager and Safety and Training manager to determine:

- If the accident was preventable or non-preventable
- Personnel require discipline or retraining
- The causal factor(s) indicate(s) that a safety hazard contributed to or was present during the event; and
- If the accident appears to involve underlying organizational causal factors beyond just individual employee behavior.
- **Monitors information reported through any internal safety reporting programs:**
  - The Chief Safety Officer routinely reviews safety data captured in employee safety reports, safety meeting minutes, customer complaints, and other safety communication channels. When necessary, the Chief Safety Officer ensures that the issues and concerns are investigated or analyzed through the safety risk assessment process.
  - The Chief Safety Officer also reviews the results of internal and external reviews, including audits and assessments, with findings affecting safety performance, compliance with operations and maintenance procedures, or the effectiveness of safety risk mitigations. The Chief Safety Officer discusses relevant safety issues and concerns with the Accountable Executive and executive management and documents the results of these reviews in the Hazard Log.

In the event of a fatality, the City of Lodi complies with all FTA drug and alcohol requirements. In California, every driver involved in an accident that results in death, injury, or property damage over \$1000, effective January 1, 2017, must report the accident on a Report of Traffic Accident Occurring in California (SR 1) form to DMV. The report forms are available at [www.dmv.ca.gov](http://www.dmv.ca.gov), by calling 1-800-777-0133, and at CHP and DMV

offices. Also, under California Vehicle Code §16002(b) the driver of a vehicle that is owned or operated by a publicly owned or operated transit system, or that is operated under contract with a publicly owned or operated transit system, and that is used to provide regularly scheduled transportation to the general public or for other official business of the system shall, within 10 days of the occurrence of the accident, report to the transit system any accident of a type otherwise required to be reported pursuant to subdivision (a) of Section 16000. The City of Lodi requires driver notification to the City of Lodi immediately and maintains records of any report filed pursuant to this paragraph.

## **5 – (4) SAFETY PROMOTION**

The fourth component of the Agency’s SMS is Safety Promotion, which includes a combination of training and communication of safety information to employees to enhance the Agency’s safety performance. Safety Promotion sets the tone for the SMS and helps City of Lodi to establish and maintain a robust safety culture. Safety Promotion has two-components: (1) Safety Communication; and (2) Competencies and Training.

City of Lodi believes safety promotion is critical to the success of an SMS by ensuring that the entire organization fully understands and trusts its safety policies, procedures, and structure. Further, safety promotion involves establishing an organizational and workplace culture that recognizes safety as a core value, training employees in safety principles, and allowing open communications of safety issues.

### **Safety Communication & Safety Culture**

Positive safety culture must be generated from the top. The actions, attitudes, and decisions at the policy-making level must demonstrate a genuine commitment to safety. Safety must be recognized as the responsibility of each employee, with the ultimate responsibility for safety resting with Executive Management. Employees must trust that they will have management support for decisions made in the interest of safety, while also recognizing that intentional breaches of safety will not be tolerated.

The primary goal of safety promotion at City of Lodi is to develop a positive safety culture that allows the SMS to succeed. A positive safety culture is defined as one which is:

#### **A. An Informed Culture**

- Employees understand the hazards and risks involved in their areas of operation
- Employees are provided with the necessary knowledge, training and resources
- Employees work continuously to identify and overcome threats to safety

#### **B. A Just Culture**

- Employees know and agree on what is acceptable and unacceptable behavior
- Human errors must be understood, but negligence and willful violations cannot be tolerated

### **C. A Reporting Culture**

- Employees are encouraged to voice safety concerns and to share critical safety information without the threat of punitive action
- When safety concerns are reported, they are analyzed, and appropriate action is taken

### **D. A Learning Culture**

- Learning is valued as a lifetime process beyond basic-skills training
- Employees are encouraged to develop and apply their own skills and knowledge to enhance safety
- Employees are updated on safety issues by management, and safety reports are fed back to staff so that everyone learns the pertinent lessons

City of Lodi communicates safety and safety performance information throughout the organization that, at a minimum, conveys information on hazards and safety risks relevant to employees' roles and responsibilities and informs employees of safety actions taken in response to reports submitted through an employee safety reporting program.

Ongoing safety communication is critical and City of Lodi ensures communication occurs up, down, and across all levels of the organization. Any lessons learned are communicated to all concerned. Management commitment to address safety concerns and hazards is communicated on a regular basis. Management encourages and motivates employees to communicate openly, authentically, and without concern for reprisal; ensures employees are aware of SMS principles and understand their safety-related roles and responsibilities; conveys safety critical information such as accident data, injuries, and reported safety concerns and hazards and their resolutions to employees. City of Lodi's tools to support safety communication include:

- Safety bulletins
- Safety notices
- Posters
- CDs or Thumb drives or online safety video access
- Newsletters
- Briefings or Toolbox talks
- Seminars and workshops
- New employee training and refresher training
- Intranet or social media
- Safety Committee Meetings

Safety promotion activities and processes include the following:

- Monthly Transit Operations Contractor Safety meetings and postings for drivers
- California Transit Indemnity Pool (CalTIP) field service days

### **Competencies & Training**

Executive Management ensures that all employees attend the training provided to understand their specific roles and responsibilities for the implementation of SMS. City of Lodi provides SMS training in the following areas:

#### **All Employees:**

- Understanding of Safety Performance Targets
- Understanding of fundamental principles of SMS
- Understanding of Safety Reporting Program – Reporting unsafe conditions and hazards/near misses
- Understanding of their individual roles and responsibilities under SMS

#### **Managers and Supervisors**

- Understanding of Safety Risk Management
- Understanding of Safety Assurance
- Understanding of Safety Promotion
- Understanding of their individual roles and responsibilities for SMS

#### **Executive Management:**

- Understanding of management commitment to and support of all SMS activities.

All employees are required to acquire the competencies and knowledge for the consistent application of their skills as they relate to safety performance objectives. City of Lodi dedicates resources to conduct effective safety-related skill training. The scope of the safety training is appropriate to each employee's individual safety-related job responsibilities and their role in SMS. Components of City of Lodi's skill-related training include:

- Conducting training needs analyses to ensure that the right information is being taught to the right employees using the most efficient training methods.
- Communicating purpose, objectives, and outcome.
- Ensuring relevant content by directly linking training to the trainee's job experiences so trainees are more motivated to learn.
- Using active hands-on demonstrations and practice to demonstrate skills that are being taught and provide opportunities for trainees to practice skills.
- Providing regular feedback during hands-on practice and exercises.

- Reinforcing training concepts in the post-training work environment by giving employees opportunities to perform what they've learned.

City of Lodi's comprehensive safety training program applies to all City of Lodi employees and contract staff directly responsible for safety, including:

- Bus vehicle operators,
- Dispatchers,
- Maintenance technicians,
- Managers and supervisors,
- Agency Leadership and Executive Management,
- Chief Safety Officer, and
- Accountable Executive

City of Lodi dedicates resources to conduct a comprehensive safety training program, as well as training on SMS roles and responsibilities. The scope of the safety training, including annual refresher training, is appropriate to each employee's individual safety-related job responsibilities and their role in the SMS.

Basic training requirements for City of Lodi employees, including frequencies and refresher training, are documented in City of Lodi's Safety Training Matrix and the City of Lodi Employee Handbook. Operations safety-related skill training includes the following:

- New-hire bus vehicle operator classroom and hands-on skill training,
- Bus vehicle operator refresher training,
- Bus vehicle operator retraining (recertification or return to work),
- Classroom and on-the-job training for dispatchers,
- Classroom and on-the-job training for operations supervisors and managers, and
- Accident investigation training for operations supervisors and managers. Vehicle maintenance safety-related skill training includes the following:
  - Ongoing vehicle maintenance technician skill training,
  - Ongoing skill training for vehicle maintenance supervisors,
  - Accident investigation training for vehicle maintenance supervisors,
  - Ongoing hazardous material training for vehicle maintenance technicians and supervisors, and,
  - Training provided by vendors.
- City of Lodi's Accountable Executive and Agency Leadership and Executive Management team must complete FTA's SMS Awareness online training.
- City of Lodi conducts refresher training **quarterly** during employee safety meetings.

## **6. DOCUMENTATION**

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Pursuant to 49 CFR Part 673.31, City of Lodi maintains records related to this Safety Plan and Safety Management System (SMS) implementation for a minimum of three years. These documents include but are not limited to:

- The implementation of the SMS
- The programs, policies and procedures used to carry out this Agency Safety Plan
- The results from SMS processes and activities

City of Lodi will make these documents available to FTA Region 9, Caltrans, and other Federal and state agencies upon request.

## 7. APPENDICES

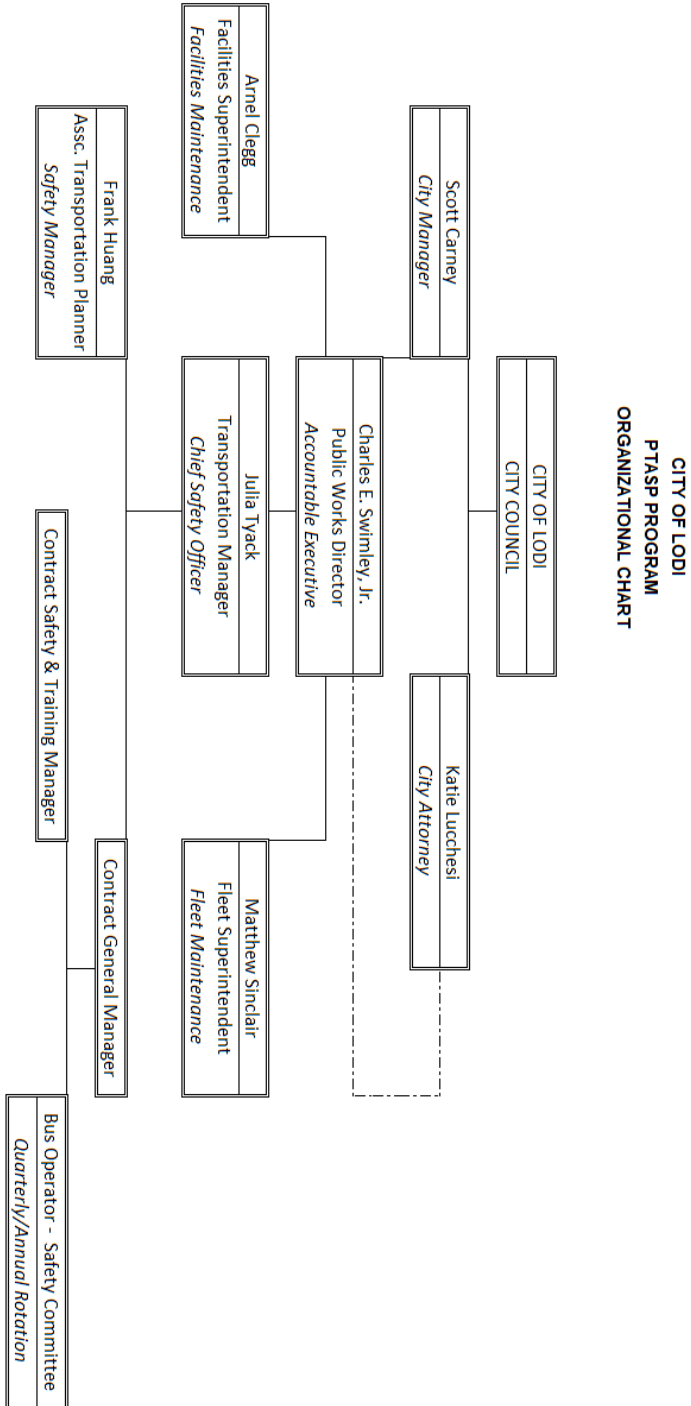
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Appendix A – Staff Safety Roles Organizational Chart

Appendix B – Documentation of City Council PTASP Approval

Appendix C – Record of Revisions

## Appendix A – Safety Roles in Organizational Chart





**Appendix B – Documentation of City Council PTASP 2020 Approval**

RESOLUTION NO. 2020-130

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING  
CITY OF LODI PUBLIC TRANSPORTATION AGENCY SAFETY  
PLAN AND AUTHORIZING PUBLIC WORKS DIRECTOR TO  
EXECUTE PUBLIC TRANSPORTATION AGENCY SAFETY PLAN

WHEREAS, the City of Lodi's Public Transportation Agency Safety Plan (PTASP) is a requirement for Federal Transit Administration (FTA) funding and was developed in accordance with FTA's final rule for PTASPs, 49 CFR Part 637, as authorized by the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21); and

WHEREAS, the final rule requires transit operators develop and implement a PTASP based on the Safety Management System (SMS) approach; and

WHEREAS, SMS is the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation, including systematic procedures, practices, and policies and is meant to ensure a formalized, proactive, and data-driven approach to safety risk management; and

WHEREAS, the City's Public Works Director will be identified as Lodi's PTASP Accountable Executive, responsible for carrying out the Agency Safety Plan and ensuring effective implementation of the program throughout the City's transit system and the City's Transportation Manager will be identified as Lodi's PTASP Chief Safety Officer, responsible for day-to-day implementation and operation of the City of Lodi's SMS; and

WHEREAS, staff recommends approving City of Lodi Public Transportation Agency Safety Plan and authorizing Public Works Director to execute Public Transportation Agency Safety Plan.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve City of Lodi Public Transportation Agency Safety Plan and authorizes the Public Works Director to execute Public Transportation Agency Safety Plan; and

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (Res. No. 2019-223), the City Attorney is hereby authorized to make minor revisions to the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

Dated: June 17, 2020

I hereby certify that Resolution No. 2020-130 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 17, 2020, by the following vote:

- AYES: COUNCIL MEMBERS – Chandler, Mounce, Nakanishi, and Mayor Kuehne
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None



PAMELA M. FARRIS  
Assistant City Clerk

2020-130

**Appendix B – Documentation of City Council PTASP 2023 Update Approval**

RESOLUTION NO. 2023-285

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING  
2023 CITY OF LODI PUBLIC TRANSPORTATION AGENCY  
SAFETY PLAN UPDATE

=====

WHEREAS, the City of Lodi’s Public Transportation Agency Safety Plan (PTASP) is a requirement for Federal Transit Administration (FTA) funding and was developed in accordance with FTA’s final rule for PTASPs, 49 CFR Part 637, as authorized by the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21); and

WHEREAS, the Lodi City Council approved the City of Lodi Public Transportation Agency Safety Plan and authorized the Public Works Director to execute Public Transportation Agency Safety Plan (Resolution No. 2020-130); and

WHEREAS, to remain compliant with FTA’s PTASP program requirements, the City of Lodi is updating its plan to reflect new Safety Performance Targets and updates to SMS procedures; and

WHEREAS, staff recommends that the City Council approve the updated City of Lodi Public Transportation Agency Safety Plan.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the updated City of Lodi Public Transportation Agency Safety Plan and authorizes the Public Works Director to execute the Public Transportation Agency Safety Plan; and

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (Res. No. 2019-223), the City Attorney is hereby authorized to make minor revisions to the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

DATED: December 20, 2023

=====

I hereby certify that Resolution No. 2023-285 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 20, 2023, by the following vote:

- AYES: COUNCIL MEMBERS – Bregman, Hothi, Nakanishi, Yopez, and Mayor Craig
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None

  
OLIVIA NASHED  
City Clerk

2023-285

## Appendix C – Record of Revisions

Revision Number and Updates			
<i>Complete history of successive versions of this plan</i>			
Revision No.	Section/Pages Affected	Reason for Change	Date Issued
1	Pg. 5, 10 & 11; App. A	Revised plan review and update language; Revised 'major mechanical failure' SPTs; Revised organizational chart with new employees	9/20/2021
2	Pg. 3, 10 & 11; App. A	Updated Chief Safety Officer due to staffing change; Revised Safety Performance Targets (SPTs); Revised organizational chart with new employees	8/8/2022
3	Pg. 4-6, 8, 9-11, 13-14, 18, App. A, App. B, App. C	<ol style="list-style-type: none"> <li>1. Under section "3. DEFINITIONS AND ACRONYMS," added: "CDC – Center for Disease Control and Prevention"</li> <li>2. Under section "4. Safety Performance Targets (SPTs)," added: <ul style="list-style-type: none"> <li>• Key safety performance goal pertaining to the minimization of exposure to infectious disease.</li> <li>• Outlined several ongoing strategies that were implemented/developed via the PTASP Safety Management System, that contributes to minimizing exposure to infectious disease.</li> <li>• Updated Safety Performance Targets (SPTs)</li> </ul> </li> <li>3. Section "5 – (1) Safety Management Policy:" <ul style="list-style-type: none"> <li>• Added compliance to best-practice safety recommendations of State or Federal Agencies, especially when considering exposure or spread of infectious disease.</li> <li>• When describing voluntary safety reports, added health hazards with regards to infectious disease.</li> </ul> </li> <li>4. Section "5 – (2) Safety Risk Management": <ul style="list-style-type: none"> <li>• City added public health agencies (e.g. CDC) as a source of safety hazard information.</li> </ul> </li> <li>5. Organizational Chart: <ul style="list-style-type: none"> <li>• Updated new City Manager, City Attorney, and Fleet Superintendent. Updated job titles.</li> </ul> </li> </ol>	10/30/2023 & 12/20/2023 (Council Approval)
4	Pg. 9-12	<ol style="list-style-type: none"> <li>1. Under Section 4. "Safety Performance Targets (SPTs):" <ul style="list-style-type: none"> <li>• Updated reference to the 2024 NTD Safety &amp; Security Policy Manual (previously 2023 edition).</li> <li>• Clarified exclusion criteria for reportable fatalities in Section 4, "Safety Performance Targets (SPTs)."</li> <li>• Clarified exclusion criteria for reportable injuries and added a table for near-threshold injuries during the analysis period.</li> <li>• Clarified and expanded criteria for reportable safety events, including exclusions. Added a table of safety event occurrences during analysis period.</li> <li>• Updated Safety Performance Targets (SPTs) with FY23-24 data.</li> </ul> </li> </ol>	10/2/2024 & 11/6/2024 (PENDING COUNCIL APPROVAL)

		<ul style="list-style-type: none"><li>• Added subsection on Location of Occurrence, clarifying criteria for reportable events based on location.</li></ul> <p>2. Organizational Chart:</p> <ul style="list-style-type: none"><li>• Updated new City Manager and job titles.</li></ul>	
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RESOLUTION NO. 2024-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING 2024 CITY OF  
LODI PUBLIC TRANSPORTATION AGENCY SAFETY PLAN UPDATE

=====

WHEREAS, the City of Lodi’s Public Transportation Agency Safety Plan (PTASP) is a requirement for Federal Transit Administration (FTA) funding and was developed in accordance with FTA’s final rule for PTASPs, 49 CFR Part 637, as authorized by the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21); and

WHEREAS, the Lodi City Council approved the City of Lodi Public Transportation Agency Safety Plan and authorized the Public Works Director to execute Public Transportation Agency Safety Plan (Res. No. 2020-130); and

WHEREAS, to remain compliant with FTA’s PTASP program requirements, the City of Lodi is updating its plan to reflect new Safety Performance Targets; and

WHEREAS, staff recommends that the City Council approve the updated City of Lodi Public Transportation Agency Safety Plan.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve updated City of Lodi Public Transportation Agency Safety Plan and authorizes the Public Works Director to execute Public Transportation Agency Safety Plan.

Dated: November 6, 2024

=====

I hereby certify that Resolution No. 2024-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 6, 2024, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

OLIVIA NASHED  
City Clerk

2024-\_\_\_\_\_



**COUNCIL COMMUNICATION**

**AGENDA TITLE:**

Accept Improvements Under Contract for 2024 Downtown Concrete Cleaning (PW)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Public Works Director

**RECOMMENDED ACTION:**

Accept improvements under contract for 2024 Downtown Concrete Cleaning.

**BACKGROUND INFORMATION:**

In 1998, the City’s Central City Revitalization Improvement Project installed yellow colored concrete on School Street, from Lodi Avenue to Locust Street. As part of the maintenance, the colored concrete should be cleaned periodically. In 2019, Council requested that we start cleaning it annually.

This project removed debris and pressure washed the yellow concrete bands, and spot cleaned the paver areas along School Street, between Lodi Avenue and Locust Street. The project also included the large concrete star burst feature located in Elm Street between School Street and Sacramento Street. See the before and after pictures on attached Exhibit A. The work was done at night in order to minimize business interruptions.

On February 7, 2024, the Council approved specifications for this project and authorized the City Manager to award contract to the lowest bidder not-to-exceed \$30,000, execute change orders not-to-exceed \$3,000, and appropriate funds of \$3,000. At the bid opening held on May 15, 2024, the City received the following three bids:

Bidder	Location	Bid	Above/(Below) Engineer’s Estimate
<i>Engineer’s Estimate</i>		\$33,000.00	
EcoSanitation, LLC	Sacramento	\$19,869.00	(\$13,131)
Sure Clean, Inc	Cool	\$24,720.000	(\$8,280)
City Wide Property Services, Inc	Rancho Cordova	\$26,960.000	(\$6,040)

The contract was executed on July 29, 2024 with EcoSanitation, LLC, of Sacramento, in the amount of \$19,869.00. Work commenced on August 25, 2024 and was completed on September 4, 2024 in substantial conformance with the specifications approved by City Council for the final contract price of \$19,869.00. The project was completed within the allowable days of the contract.

Following acceptance by the City Council, as required by law, the City Engineer will file a Notice of Completion with the County Recorder’s office. The notice serves to notify vendors and subcontractors that the project is

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## COUNCIL COMMUNICATION

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complete and begins their 30-day period to file a stop notice requiring the City to withhold payments from the prime contractor in the event of a payment dispute.

### **STRATEGIC VISION:**

1C. Downtown: Preserve historic character.

### **FISCAL IMPACT:**

Maintaining clean, walkable streets in the downtown area is necessary to promote business and tourism. This project does not impact the General Fund.

### **FUNDING AVAILABLE:**

This project was funded by the Street Fund.

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Charles E. Swimley  
Public Works Director

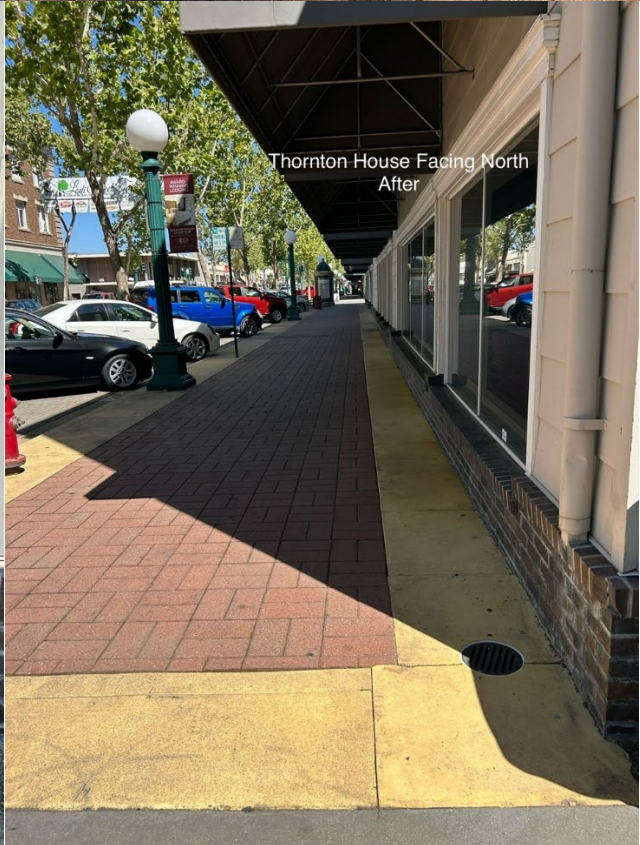
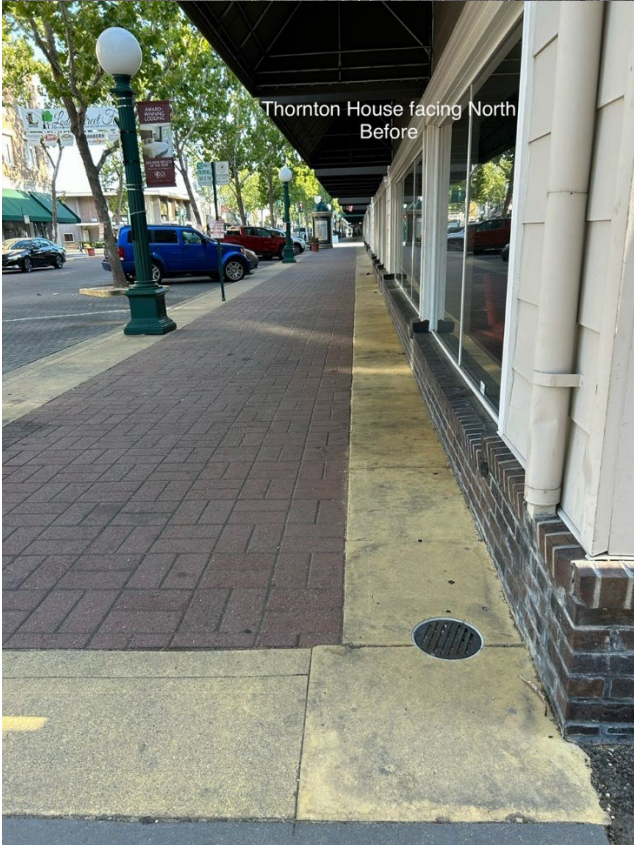
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Scott R. Carney  
City Manager

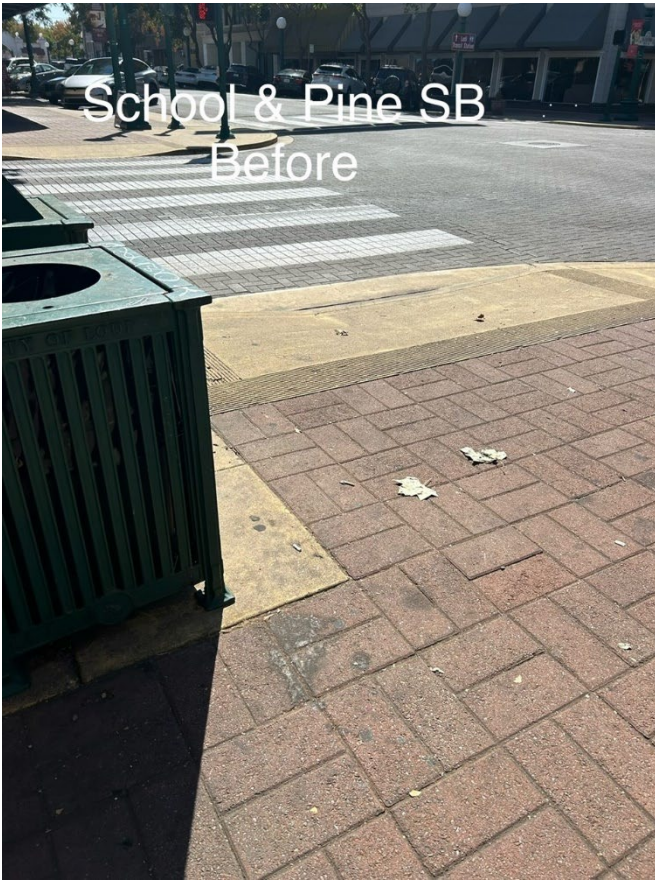
# EXHIBIT A

Before

After







School & Pine SB  
Before



School & Pine SB  
After






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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Receive Report Regarding Communication Pertaining to Various Assembly and Senate Bills (CM)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Linda Tremble, Executive Administrative Assistant

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**RECOMMENDED ACTION:**

Receive report regarding communication pertaining to various Assembly and Senate Bills.

**BACKGROUND INFORMATION:**

Consistent with Section 7.9 of the City Council Protocol Manual, the Mayor may sign and submit communications regarding legislation so long as the position is consistent with the position taken by the League of California Cities when timing precludes acting upon a request to support or oppose legislation at a City Council meeting. The City received requests for communication from the League of California Cities regarding various Assembly and Senate Bills at the end of the Legislative Session when timing was critical. A summary of the communications provided is included below and the individual letters are attached.

AB 98 (Carillo J., Reyes): Planning and Zoning: Logistics Use: Truck Routes - the City of Lodi strongly urged the veto of AB 98 related to warehouse and logistic use standards and truck routes. While the bill aims to address air quality related concerns adjacent to warehouse operations, this problematic gut-and-amend includes stringent requirements that will severely impact the ability for local jurisdictions to site based on unique geographic and community characteristics, and stifles economic and workforce development in their communities.

AB 1893 (Wicks) Housing Accountability Act: Housing Disapprovals - Notice of Opposition (As of April 18, 2024). The City of Lodi took an opposition unless amended position on the measure AB 1893, which would place guardrails on “builder’s remedy” projects; reduce affordable housing minimums; and prohibit local jurisdictions from denying certain housing developments even if they are meeting or exceeding state allocated housing goals.

AB 2081 (Davies) Substance Abuse: Recovery and Treatment Programs - Request for Signature. The City of Lodi requested the Governor’s signature on AB 2081 which would require a higher standard of transparency and greater protections for individuals seeking alcoholism or substance use treatment. Specifically, AB 2081 would require the operator of a licensed recovery home to disclose to those seeking care that they can check the Department of Health Care Services website to confirm a facility’s compliance with state licensing laws. This will empower patients to make informed decisions about their care by easily knowing if the entity’s license or certification has been placed on probationary status, been subject to a temporary suspension order, been revoked, or if the operator has been given a notice of operation in violation of the law.

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## COUNCIL COMMUNICATION

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AB 2330 (Holden) Endangered Species: Wildfire Preparedness Activities - Request for Signature. The City of Lodi requested the Governor's signature on AB 2330 to develop a voluntary, streamlined process for local agencies to submit wildfire preparedness programs to the California Department of Fish and Wildlife (CDFW) and seek approval to avoid, minimize, and mitigate the take of an endangered, threatened, or candidate species, incidental to conducting vegetative management activities in fire hazard severity zones located adjacent to communities.

AB 2561 (McKinnor) Local Public Employees: Vacant Positions - Request for VETO. The City of Lodi respectfully requests a veto on AB 2561, which would require all local agencies to hold a public hearing on the status of vacancies before their governing board at least once per fiscal year. This will inherently create an expensive reimbursable state mandate, adding needless pressure on the state budget at a time of significant budget challenges. Based on conservative estimate of costs, AB 2561 will result in annual reimbursable costs of up to \$13.5 million, or more - not including the additional reporting costs imposed upon agencies with bargaining units that experience vacancy rates exceeding 20%.

AB 2574 (Valencia) Alcoholism or Drug Abuse Recovery or Treatment Facilities - Request for Signature. The City of Lodi requested the Governor's signature on AB 2574, which seeks to better regulate recovery residences. Specifically, AB 2574 would expand reporting requirements for licensed recovery home operators to enhance the Department of Health Care Services' oversight of sober living homes that are operating as an integral part of a licensed drug treatment facility located elsewhere in the community.

AB 3093 (Ward) Land Use: Housing Element: Streamlined Multifamily Housing - Request for VETO. The City of Lodi respectfully requests a veto on AB 3093, which would require local governments to account for the housing needs of people experiencing homelessness in their housing elements without funding to develop the plans, implement strategies, or support the construction of affordable housing.

SB 450 (Atkins) Housing Development: Approvals - Request for VETO. The City of Lodi requested a veto on SB 450, which was recently removed from the inactive file in the final days of session. SB 450 would limit the ability of local governments to apply objective standards on a proposed SB 9 (2021) project and require cities to approve or deny a proposed project within 60 days from when a local agency receives a completed application, or the project is deemed approved. Finally, the measure allows a developer to demolish and replace an existing home with two new homes even if a tenant occupies the home.

SB 1037 (Wiener) Planning and Zoning: Housing Element: Enforcement - Request for VETO. The City of Lodi regrettably requests a veto on SB 1037, which would allow the Attorney General to take legal action against a city and seek fines up to \$50K a month for failure to adopt a compliant housing element or if the demolish and replace an existing home with two new homes even if a tenant occupies the home.

SB 1123 (Caballero) Planning and Zoning: Subdivisions: Ministerial Review - Request for VETO. The City of Lodi writes to strongly request a veto on SB 1123. This measure would require cities to allow the construction of up to 10 new units on a parcel that was zoned and planned for only one unit. Not only is SB 1123 inconsistent with local zoning standards, but it will likely also be contrary to a city's state-mandated housing element.

SB 1211 (Skinner) Land Use: Accessory Dwelling Units: Ministerial Approval - Request for VETO. The City of Lodi respectfully requests a veto on SB 1211, which would require local jurisdictions to ministerially approve up to 8 detached accessory dwelling units (ADUs) on an existing multifamily dwelling lot. Additionally, this measure mandates the ministerial approval of up to 2 detached ADUs on a lot with a proposed multifamily dwelling.

The attached letters signed by the Mayor, were sent to the Governor Newsom's Office and Chair, Assembly Committee on Appropriations' Wicks Office on September 16 2024. The referenced Assembly and Senate Bills

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## COUNCIL COMMUNICATION

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are attached for reference.

**STRATEGIC VISION:**

These items generally support Council Strategic imperatives on Downtown, Economic Development, Housing, Fiscal Health, Public Safety and Public Well-Being.

**FISCAL IMPACT:**

Not Applicable.

**FUNDING AVAILABLE:**

Not Applicable.

---

Scott R. Carney  
City Manager

**CITY COUNCIL**

Lisa Craig, Mayor  
Cameron Bregman, Mayor Pro Tempore  
Mikey Hothi  
Alan Nakanishi  
Ramon Yepez



Scott R. Carney  
**City Manager**  
Katie O. Lucchesi  
**City Attorney**  
Olivia Nashed  
**City Clerk**

September 16, 2024

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**RE: AB 98 (Carrillo J., Reyes): Planning and zoning: logistic use: truck routes**  
**REQUEST FOR VETO** (As Amended August 28, 2024)

Dear Governor Newsom,

On behalf of the City of Lodi, we **strongly urge your veto of AB 98** (Carrillo J., Reyes), related to warehouse and logistic use standards and truck routes.

While the bill aims to address air quality related concerns adjacent to warehouse operations, this problematic gut-and-amend includes stringent requirements that will severely impact the ability for local jurisdictions to site based on unique geographic and community characteristics, and stifles economic and workforce development in their communities.

The interests and perspectives of those most intimately involved at the local level and responsible for implementation efforts were not involved in crafting AB 98. A more robust, inclusive, and transparent process leads to more informed policy solutions and AB 98 did not meet this mark. Instead, the bill was a gut-and-amend with little input at the end of the legislative session. The bill could not be amended due to the 72-hour in print rule, preventing substantive and meaningful public input. For these process and procedural reasons alone, AB 98 should be vetoed.

The City of Lodi further has serious concerns regarding the substantive policy solution that AB 98 would mandate for all cities and counties if chaptered into law.

**1) AB 98 takes local community-based solutions completely off the table.**

This measure overly constrains local governments by limiting a city's ability to site a new or expanded use of a logistic use development or warehouse that are within 900 feet of a sensitive receptor. Local discretion and decision making is essential to ensure zoning regulations are tailored to the unique needs and concerns of various communities. Cities and counties have good neighbor policies and local ordinances that make them better equipped to determine appropriate setback requirements and conditions for logistic use developments based on the specific geographic and regional factors in their communities and allows local governments the ability to engage the public. Cities are actively siting and zoning to prepare for community growth and development. Cities are already planning for housing, lowering vehicle miles traveled, updating climate action

plans, zoning for open space and greenbelts, and more. Local governments should retain their abilities to exercise local discretion when siting logistic use developments prior to any state-mandated conditions being required.

**2) AB 98 creates an uneven playing field for local governments, creating winners and losers based on geography, hampering employment opportunities, and limiting future economic growth.**

AB 98 establishes a tiered framework that applies different setback requirements and warehouse conditions depending on existing industrial or re-zoned sites across the state. This would make logistic use and warehouse developments in certain cities or counties more attractive compared to other cities or counties. This uneven playing field will benefit certain local governments to the detriment of others, in some cases solely based on geographic differences, hindering the ability of cities and counties to provide future job opportunities for their communities.

Additionally, several definitions in the bill would make the implementation of the measure extremely complex and remain problematic. The definition of 'logistic use' would include that the development may incidentally serve retail customers for onsite purchases and the bill states that a logistic use development may not sell directly to consumers. This is contradictory and misleading. Similarly, the definition of 'sensitive receptor' would include schools. Local governments are not responsible for the siting of schools and therefore would have no control should a school re-locate directly adjacent to a logistic use development or warehouse.

The bill would limit new or expanded logistics use development or warehouses on many industrial sites in the City of Lodi. For example, the industrially zoned area south of Turner Road, running north-south along N. Sacramento Street, Stockton Street, and the railroad tracks, would be prevented from expanding existing, or building new, warehouses due to the proposed provisions of the bill. Likewise, over 150 acres of industrially zoned area bound by Lodi Avenue, the railroad tracks, Harney Lane, and S. Stockton Street would be prevented from expanding existing, or building new, warehouses due to the proposed provisions of the bill.

**3) AB 98 proposes a cart-before-the-horse approach that lacks science-based evidence for the standards imposed.**

AB 98 would require the South Coast Air Quality Management District (SCAQMD) to deploy mobile air monitoring systems within the counties of Riverside and San Bernardino beginning January 1, 2026 to January 1, 2032 and after conducting an air modeling analysis to evaluate the impact of air pollution on sensitive receptors from logistic use development operations, submit findings to the legislature by January 1, 2033. It is preemptive to require such stringent statewide standards, including setback distances, when sound scientific data hasn't been collected and isn't available to justify these prescriptive requirements. Further, it is unclear why the statewide setback standards would be based on air quality monitoring and analysis from only one region of the state. Therefore, the absence of air quality monitoring and modeling across the state to ensure such setback standards are in fact based on the appropriate regional data another foundation element of AB 98 that is extremely problematic.

The stringent standards in the bill are new and compounding on existing laws and regulations that local governments are already complying with. Without sound science

backing the need for additional requirements, AB 98 would simply provide greater constraints that will hurt local communities. As noted, cities are already addressing environmental impacts by complying with existing regulatory frameworks such as 1) implementing the California Environmental Quality Act (CEQA), 2) developing regional transportation and land use plans through regional council of governments, 3) implementing the Advanced Clean Fleet (ACF) regulations promulgated by the California Air Resources Board, and 4) meeting existing rules related to air quality standards, such as by the SCAQMD, which established regulations to limit emissions from certain types of businesses, including logistics and warehouse facilities. Ultimately, this bill would set a precedent of usurping local control without a sound scientific basis.

**4) The required circulation element update is extensive and triggers existing statutorily required updates to the circulation element to now meet the deadlines included in AB 98.**

AB 98 would require all local governments to update their circulation element with truck routing information by either January 1, 2028 or, if located in San Bernardino and Riverside counties, by January 1, 2026. This would require a local government to make these updates within several years and for the Inland Empire region, within one year of the statute coming into effect. The circulation element update would be required, even if a local government is not approving warehouse or logistic use development and would result in costly fines, if the element update is not completed within the deadline. The bill thrusts these extensive provisions onto local governments with no regard to the actual development of logistic uses and warehouses in their communities, which is a fundamental flaw in the bill.

Another consequence of AB 98 is that it would trigger provisions of existing statute that require cities and counties to update their circulation element with protective safety measures for bicyclists and pedestrians to meet the January 1, 2026 and January 1, 2028 deadlines, as prescribed in the bill. This would require local governments to complete both updates in the circulation element in this time frame, otherwise the enforcement provisions and costly fines would apply.

The circulation element update would require that truck traffic avoid residential areas and sensitive receptors. The bill would limit trucks traveling from highways to industrial zoned areas to only use major and minor collector streets and roads that predominantly serve commercially oriented uses. Communities are uniquely situated and not all regions and roadway networks look the same and certainly many cannot meet these restrictive requirements. Further understanding of the potential implications in small to mid-size communities, and suburban, rural and urban communities must be a first step taken to further analyzed unintended consequences before imposing such one-size-fit-all restrictions.

**5) The requirements of AB 98 will impose costly, unfunded mandates on local governments.**

AB 98 would require local governments to comply with the extensive standards included in the bill and does not offer any form of cost reimbursement based on these mandates. Local governments work hard to comply with existing statute and regulations, such as CEQA, ACF, and many other state-mandated requirements. By adding new and complicated requirements, without including a mechanism for local governments to



receive reimbursement for such mandated costs is unreasonable. Increased costs would make it more challenging for local governments to meet the demands in the bill rather than encourage local governments to achieve the proposed requirements.

Cities and counties estimate the circulation element update alone would be an additional cost on local governments, outside of their existing general plan updates, of approximately \$54 million to \$749 million for all 58 counties and 483 cities to comply, roughly anywhere between \$100,000 to the low millions for each city or county to comply. Some cities will have greater costs due to the complexities of incorporating traffic patterns and fewer choices to de-conflict freight movement with residential traffic on a city's road network. AB 98 disregards the enormous local costs that would likely be quadrupled from additional legislation this year that will require a safety element update, a conservation element update, and bicycle safety update, along with the circulation element in AB 98.

**6) The enforcement provisions are overly harsh, aiming to punish all local governments.**

AB 98 would authorize the Attorney General to impose a fine of \$50,000 every six months on local jurisdictions that do not complete their circulation element updates. Other legislation that has included similar fines, have been contingent upon a court order or litigation prior to such fines being imposed. With a 'no-questions-asked' approach to enforcement, local governments are being targeted with this punitive provision. Furthermore, this provision singles out local governments based on the completion of their circulation element update, rather than focusing on the implementation of all of the standards included in the bill. It should be noted that there are no other enforcement provisions in the bill for any of the other standards that are proposed.

Local decision-making is essential to ensuring zoning regulations are tailored to the unique needs and concerns of our citizens. While the City of Lodi is actively siting and zoning to prepare for community growth and development, the restrictions proposed by the bill would pre-empt those local controls, force the City to pay for a costly update to the Circulation Element before its typically needed, and expose the City to punitive enforcement provisions.

For these reasons, the City of Lodi **requests your veto** on AB 98 (Carrillo, J., Reyes). Please do not hesitate to contact John Della Monica at (209) 333-6700 regarding our opposition.

Sincerely,



Lisa Craig, Mayor  
City of Lodi California

cc: The Honorable Juan Carrillo ([assemblymember.juancarrillo@assembly.ca.gov](mailto:assemblymember.juancarrillo@assembly.ca.gov))  
The Honorable Eloise Gomez Reyes ([assemblymember.reyes@assembly.ca.gov](mailto:assemblymember.reyes@assembly.ca.gov))  
Stephen Qualls ([squalls@cacities.org](mailto:squalls@cacities.org))  
League of California Cities ([cityletters@calcities.org](mailto:cityletters@calcities.org))

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Olivia Nashed  
**City Clerk**

September 16, 2024

The Honorable Buffy Wicks  
Chair, Assembly Committee on Appropriations  
1020 N St, Room 157  
Sacramento, CA 95814

**RE: AB 1893 (Wicks) Housing Accountability Act: housing disapprovals.**  
**Notice of Opposition** *(As of April 18, 2024)*

Dear Chair Wicks,

The City of Lodi regrettably must take an **oppose unless amended** position on your measure AB 1893, which would place guardrails on "builder's remedy" projects; reduce affordable housing minimums; and prohibit local jurisdictions from denying certain housing developments even if they are meeting or exceeding state allocated housing goals.

We appreciate your desire to limit the application of "builder's remedy" projects by restricting where these projects can occur, limiting density, and allowing the use of objective development standards in some circumstances.

However, we strongly believe less focus should be on what happens if we do not adopt a housing element that substantially complies with the law, and more time and attention should be focused on how the state can partner with us and ensure that all jurisdictions come into compliance. Cities have worked diligently with the Department of Housing and Community Development (HCD) to draft housing plans that accommodate their fair share of housing at all income levels. These complex plans can take years to develop and involve extensive feedback from HCD. This feedback often lacks clear direction regarding actions needed for a city to come into compliance.

As a jurisdiction that adopted its Housing Element on time, the City of Lodi opposes this bill because we've heard from neighboring jurisdictions that weren't lucky enough to hire top notch consultants to assist in the arduous process of amending their Housing Elements. While acting in good faith, these short-staffed jurisdictions have been at the mercy of high-priced consultants, who themselves are often understaffed, to address dozens of new housing laws adopted by the State in recent years. We are all doing our best to keep up as the laws seem to change annually.

The City of Lodi believes that AB 1893 could be improved with amendments. What is really needed is for the state to specify how cities can get a compliant housing element

to avoid things like the builder's remedy before further restricting local control. For these reasons, the City of Lodi must **oppose unless amend AB 1893**. If you have any questions, do not hesitate to contact John Della Monica at (209) 333-6700.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Craig". The signature is fluid and cursive, with the first name "Lisa" and last name "Craig" clearly distinguishable.

Lisa Craig, Mayor  
City of Lodi California

Cc: The Honorable Buffy Wicks  
Members, Assembly Committee on Appropriations  
Jennifer Swenson, Principal Consultant, Assembly Committee on Appropriations  
Joe Shinstock, Fiscal Director, Assembly Republican Caucus  
Susan Eggman, Senator 5<sup>th</sup> District  
Heath Flora, Assemblymember  
Stephen Qualls ([squalls@cacities.org](mailto:squalls@cacities.org))  
League of California Cities, [cityletters@calcities.org](mailto:cityletters@calcities.org)

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September 16, 2024

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**RE: AB 2081 (Davies) Substance abuse: recovery and treatment programs.**  
**Request for SIGNATURE**

Dear Governor Newsom,

The City of Lodi requests your **signature** on AB 2081 (Davies), which would require a higher standard of transparency and greater protections for individuals seeking alcoholism or substance use treatment.

Specifically, AB 2081 would require the operator of a licensed recovery home to disclose to those seeking care that they can check the Department of Health Care Services website to confirm a facility's compliance with state licensing laws. This will empower patients to make informed decisions about their care by easily knowing if the entity's license or certification has been placed on probationary status, been subject to a temporary suspension order, been revoked, or if the operator has been given a notice of operation in violation of the law.

Some have argued that these changes are duplicative since licensed providers must share their license numbers on their websites and in marketing materials. However, a number on a piece of paper does nothing to inform individuals of the compliance status of these facilities and does not connect them to [other licensing and certification resources](#) that are currently available.

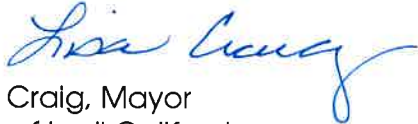
The ability for individuals seeking treatment for alcoholism or substance use to easily access organizational compliance data to make informed decisions on their care is a benefit to all City of Lodi residents in need of treatment services. The ability for service providers to be able to access this information to provide quality referrals is also critical to the success of individuals connected to services through the City's Access Center and Emergency Shelter and Transitional Housing facility.

Residential recovery housing provides a wide range of benefits to some of California's most vulnerable residents, and it is critical that their needs are prioritized over profits. Compliance with state licensing laws administered through the Department of Health Care Services is essential to safeguarding residents' well-being and maintaining quality

care. AB 2081 would ensure that those seeking treatment easily know what violations, if any, have occurred within a treatment facility and would hold providers accountable by making these violations more easily accessible.

AB 2081 is commonsense, transparency legislation that protects residents and holds providers accountable for maintaining high quality treatment. For these reasons, the City of Lodi **requests your signature** on AB 2081 (Davies).

Sincerely,

A handwritten signature in blue ink that reads "Lisa Craig". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Lisa Craig, Mayor  
City of Lodi California

cc: The Honorable Laurie Davies ([assemblymember.davies@assembly.ca.gov](mailto:assemblymember.davies@assembly.ca.gov))  
Stephen Qualls ([squalls@cacities.org](mailto:squalls@cacities.org))  
League of California Cities ([cityletters@calcities.org](mailto:cityletters@calcities.org))

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**City Clerk**

September 16, 2024

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**RE: AB 2330 (Holden) Endangered species: Wildfire preparedness activities  
REQUEST FOR SIGNATURE**

Dear Governor Newsom,

The City of Lodi **respectfully request your signature on AB 2330 (Holden)**. The bill would develop a voluntary, streamlined process for local agencies to submit wildfire preparedness programs to the California Department of Fish and Wildlife (CDFW) and seek approval to avoid, minimize, and mitigate the take of an endangered, threatened, or candidate species, incidental to conducting vegetative management activities in fire hazard severity zones located adjacent to communities.

The size and severity of wildfires in California is increasing due to climate extremes. In California's recorded history, the top eight largest wildfires and the top two most destructive wildfires occurred in the last seven years, and the deadliest wildfire occurred in the last six years. Communities statewide have experienced the catastrophic and devastating impacts of wildfires, and the threat of wildfire on life and property remains for many communities across the state.

Just as the state and federal agencies are responsible for managing lands and preparing and responding to wildfires, local agencies are also responsible for conducting wildfire preparedness activities on Local Responsibility Areas (LRAs) in designated fire hazard severity zones throughout the state. The state has completed a programmatic environmental impact report under the California Environmental Quality Act (CEQA) for 20 million acres of State Responsibility Areas (SRAs) with mitigation measures and a streamlined consultation process with environmental permitting agencies, called the California Vegetative Treatment Program (CalVTP). Local agencies, however, do not have a streamlined process for LRAs and have experienced long delays spanning multiple fire seasons when trying to accelerate these types of wildfire preparedness efforts on LRAs.

***AB 2330 would provide local agencies a voluntary, streamlined process that prioritizes wildfire preparedness activities and public safety while upholding environmental laws and permitting authorities.*** The bill would require local agencies to provide CDFW under the California Endangered Species Act (CESA) with specific information, including the location and type of activities that are planned, that the local agency has complied with

CEQA, and any planned environmental mitigation or conservation measures the local agency plans to take as part of their wildfire preparedness activities. CDFW would have 90 days to notify the local agency if an incidental take permit is needed or if there are other exemptions or streamlined pathways available to the local agency. The bill would require, in its notification to the applicant, a description of the threatened or endangered species and methods to be taken to avoid or minimize the take of that species. If an incidental take permit is needed, CDFW would be required to approve or deny the permit application with 45 days upon receipt of a completed application. By going through this streamlined process, local agencies will be able to consult with CDFW regarding their proposed activities to ensure any potential harm to species can be avoided and environmental mitigation measures are in place for vegetative management activities to occur. CDFW would still be able to charge their regular permitting fees for the incidental take permits that are identified through this process, which would cover the staff time to review and issue these permits.

***The bill would ensure continued environmental oversight and communication between local agencies and the state for any approved wildfire preparedness programs.*** The bill would require CDFW to consult with the State Board of Forestry and Fire Protection to provide further technical assistance to local agencies. This would allow CDFW to respond should any concerns arise to not only minimize or mitigate environmental impacts but avoid a species take through this proactive pathway.

If local wildfire preparedness activities are not accelerated in LRA areas, the threat of wildfire could continue to pose extreme risk of future catastrophic wildfire events to both communities and the environment. AB 2330 provides a feasible process that maintains CDFW's environmental authorities and oversight while prioritizing wildfire preparedness and public safety. Lastly, in this year's budget, the Legislature and Governor approved continued, ongoing funding, specifically \$10 million, to support CDFW from their Timber Regulation and Forest Restoration Fund for fire resiliency efforts. We believe the review and issuance of permits under AB 2330's framework would align with this budget allocation. In addition, CDFW would still be able to charge their regular permitting fees for the incidental take permits that are identified through this process, which would cover the staff time to review and issue these permits.

This Bill is essential for assisting with the wildfire risk posed to the community of Lodi on the northern boundary of the City. Lodi is blessed to have a natural forest and river system that border hundreds of homes. The fuel load created in this natural space could create conditions for a disastrous fire. The Lodi Fire Department has limited resources and a fast-moving wildfire would immediately overwhelm the fire response capabilities of the department which would in turn devastate communities and potentially the loss of lives. Preplanned wildland mitigation efforts are essential for ensuring the public's safety. This bill will accelerate the wildland mitigation efforts.

For these reasons, the City of Lodi **urges your signature on AB 2330**. Please do not hesitate to contact Lodi Fire Chief Ken Johnson at (209) 333-6851 regarding our support.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Craig". The signature is written in a cursive style with a prominent loop at the end of the last name.

Lisa Craig, Mayor  
City of Lodi California

cc: The Honorable Chris R. Holden  
Stephen Qualls ([squalls@cacities.org](mailto:squalls@cacities.org))  
League of California Cities ([cityletters@calcities.org](mailto:cityletters@calcities.org))



**CITY COUNCIL**

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**City Clerk**

September 16, 2024

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**RE: AB 2561 (McKinnor) Local public employees: vacant positions.**  
**Request for VETO (As Amended 08/23/2024)**

Dear Governor Newsom,

The City of Lodi respectfully requests a **veto** on 2561 (McKinnor), which would require all local agencies to hold a public hearing on the status of vacancies before their governing board at least once per fiscal year. This will inherently create an expensive reimbursable state mandate, adding needless pressure on the state budget at a time of significant budget challenges. Based on conservative estimate of costs, AB 2561 will result in annual reimbursable costs of up to \$13.5 million, or more - not including the additional reporting costs imposed upon agencies with bargaining units that experience vacancy rates exceeding 20%.

The City of Lodi agrees with the author - the status quo is not sustainable. However, the measure does not address the root causes of low labor force participation rates in California across all sectors. Instead, the measure would create additional layers of bureaucracy that distract from meaningful efforts to recruit and retain the public sector workforce.

**Labor Force Participation Rates and Barriers to Work**

Vacancies are unavoidable for both the public and private sectors. A nonexistent vacancy rate for any duration of time is an unreasonable expectation in our modern labor market, particularly for public agencies that lack the financial resources to encourage recruitment and remote work flexibility enjoyed by many employers in the private sector. Public agencies have been frustrated by persistent high vacancy rates in certain fields despite genuine efforts to bolster the public sector workforce. It is an unfortunate reality that many of the contributing factors that affect public sector hiring are forces of the market that are outside of our immediate control. California's growing workforce needs are constrained by the labor supply.

**Local Public Agencies Are Addressing Labor Shortages Directly Every Day**

Local government decision makers and public agency department leaders recognize

the impact that long-term vacancy rates have, both on current employees and those who receive services from those departments. The City of Lodi is also competing with both the private sector and other government agencies to attract new talent.

The City of Lodi has taken significant efforts to improve recruitment and retention. Recent and innovative recruitment efforts include:

- Staffed recruitment booths at local farmer's markets and festivals.
- Increased paid marketing of vacant positions in industry publications and organizations.
- Additional signage at City facilities with QR links to our job openings page.
- Attending local High School college and career fairs promoting municipal employment.
- Offering internships to students interested in government service and a Police Cadet program for local high school students.
- Staffing local police academy's with HR and Police staff to recruit employees and paying selected candidates to attend the academy.
- Offering signing bonuses for lateral new hires in hard to fill positions.

In addition to substantial salary and benefit increases over the past six years for all employees, recent and innovative retention efforts include:

- Enhancements to our mental and physical wellness programs including offering specific mental health services for public safety employees.
- Offering alternative 9/80 work schedules or 4/10 schedules.
- Allowing remote work for specific positions.
- Conducting a Citywide salary and compensation survey to inform compensation decisions and strategically position Lodi in the market to be as competitive as resources allow.
- Restoring longevity pay incentives for public safety and dispatch positions.
- Offering referral bonuses for existing employees recruiting others into hard to fill positions within the City.

Despite these efforts, vacancies persist. If the true intent of AB 2561 is to provide a path for public agencies to reduce staff vacancies, diverting staff away from core service delivery and mandating they spend time preparing for public hearings on their vacancy rates will not achieve that goal. Adding another mandate on public agencies will not solve the problem this bill has identified. It is just as likely to create even more burn-out from employees that will be tasked with producing the very report this bill mandates.

### **Cities Are Committed to Partnership to Identify Better Solutions**

Local agencies are committed to continuing the work happening now between all levels of government and the workforce to expand pipeline programs, build pathways into public sector jobs, modernize the hiring process, and offer competitive compensation. The City of Lodi cannot close its workforce shortages overnight. It will take investment from educational institutions, all levels of government, and the private sector to meet the workforce demands across the country. We must use our limited human resources staff to hire and train employees rather than diverting resources to prepare for unnecessary public hearings that will tell us what we already know.

For these reasons, the City of Lodi **requests a veto** on AB 2561.

Sincerely,



Lisa Craig, Mayor  
City of Lodi California

cc: The Honorable Tina McKinnor ([assemblymember.McKinnor@assembly.ca.gov](mailto:assemblymember.McKinnor@assembly.ca.gov))  
Stephen Qualls ([squalls@cacities.org](mailto:squalls@cacities.org))  
League of California Cities ([cityletters@calcities.org](mailto:cityletters@calcities.org))

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September 16, 2024

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**RE: AB 2574 (Valencia) Alcoholism or drug abuse recovery or treatment facilities.**  
**Request of SIGNATURE.**

Dear Governor Newsom,

The City of Lodi requests your **signature** on AB 2574 (Valencia), which seeks to better regulate recovery residences.

Specifically, AB 2574 would expand reporting requirements for licensed recovery home operators to enhance the Department of Health Care Services' oversight of sober living homes that are operating as an integral part of a licensed drug treatment facility located elsewhere in the community.

Residential recovery housing provides a wide range of benefits to some of California's most vulnerable residents, and it is critical that their needs are prioritized over profits. Compliance with state licensing laws administered through the Department of Health Care Services is essential to safeguarding residents' well-being and maintaining quality care.

There have been cases where a licensed facility provides services to the residents of a sober living home but does not include the sober living home in the facility's licensure. AB 2574 would provide much-needed transparency to ensure that if a recovery residence is operated as a business with a licensed treatment facility, it is regulated like a business, not a residential home.

The City of Lodi municipal code outlines residential recovery housing under Development Code Section 17 as a residential care facility. Facilities with six or fewer residents are allowed to reside within a single-family residence located in a residential zoning district. Requiring recovery residence's to be regulated as a business provides the increased State monitoring requirements and the accountability of sober living facilities citywide.

This measure would protect residents and hold providers accountable for maintaining high-quality treatment and care. For these reasons, the City of Lodi **requests your signature** on AB 2574 (Valencia).

Sincerely,

A handwritten signature in blue ink that reads "Lisa Craig". The signature is fluid and cursive, with a long, sweeping tail on the letter "g".

Lisa Craig, Mayor  
City of Lodi California

cc: The Honorable Avelino Valencia ([assemblymember.valencia@assembly.ca.gov](mailto:assemblymember.valencia@assembly.ca.gov))  
Stephen Qualls ([squalls@cacities.org](mailto:squalls@cacities.org))  
League of California Cities ([cityletters@calcities.org](mailto:cityletters@calcities.org))

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**City Clerk**

September 16, 2024

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

RE: **AB 3093 (Ward) Land use: housing element: streamlined multifamily housing.**  
**Request for VETO**

Dear Governor Newsom,

The City of Lodi respectfully requests a **veto** on AB 3093 (Ward), which would require local governments to account for the housing needs of people experiencing homelessness in their housing elements without funding to develop the plans, implement strategies, or support the construction of affordable housing.

The City of Lodi appreciates recent amendments that clarify the obligations of this measure. However, AB 3093 still adds new duplicative and costly requirements at a time when the state budget includes more than \$1 billion in cuts to affordable housing programs.

Specifically, AB 3093 adds two new income categories to the Regional Housing Needs Assessment (RHNA) framework: acutely low-income (ALI) and extremely low-income (ELI). While these new categories are intended to help assess the needs of homeless residents, they fall within the existing very low-income category, which already accounts for the needs of individuals in our cities earning between 0% and 50% of the area median income.

The City of Lodi is concerned that this will only lead to duplicating planning efforts since existing housing element law already requires cities to analyze the special housing needs of homeless residents and assist in developing adequate housing to meet the needs of extremely low-income households. Housing element law also requires cities to identify sites and encourage the development of various housing, including supportive housing and transitional housing. Through these processes, cities are doing more than ever to plan for the needs of unhoused residents in their communities.

The decision to not invest in further rounds of funding programs, such as HHAP, pose a devastating threat to homelessness programs in the City of Lodi and put at risk the health and safety of unhoused residents. These duplicative unfunded regulations do not address

this decades-in-the-making crisis, while placing further administrative burdens on staff who are already spread thin.

The City of Lodi shares the goal of preventing and reducing homelessness and increasing the supply of affordable housing in our communities. However, real progress will require ongoing funding that allows for the development of long-term, ambitious plans that support unhoused residents and prevent more individuals from losing their homes. In the absence of ongoing funding to address homelessness, the complicated requirements included in AB 3093 fail to expand or develop local governments' capacity to address immediate homelessness challenges across California.

Cities across California are planning and approving millions of new homes at all income levels despite new bills introduced every year that have changed the rules mid-stream, significantly altering cities' housing element certification process. These complex, multiyear housing plans are laborious, time-consuming, and costly. With many cities still navigating the state's certification process for the sixth cycle, now is not the time to create new vague requirements that will only further these delays in certification.

For these reasons, the City of Lodi requests your **veto** on **AB 3093** and looks forward to working together to bolster local government efforts to support our most vulnerable residents.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Craig".

Lisa Craig, Mayor  
City of Lodi California

cc: The Honorable Chris Ward ([assemblymember.ward@assembly.ca.gov](mailto:assemblymember.ward@assembly.ca.gov))  
Stephen Qualls ([squalls@cacities.org](mailto:squalls@cacities.org))  
League of California Cities ([cityletters@calcities.org](mailto:cityletters@calcities.org))

**CITY COUNCIL**

Lisa Craig, Mayor  
Cameron Bregman, Mayor Pro Tempore  
Mikey Hothi  
Alan Nakanishi  
Ramon Yopez



Scott R. Carney  
**City Manager**  
Katie O. Lucchesi  
**City Attorney**  
Olivia Nashed  
**City Clerk**

September 16, 2024

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

RE: **SB 450 (Atkins) Housing development: approvals**  
**Request for VETO**

Dear Senator Atkins,

The City of Lodi respectfully requests a **veto** on SB 450 (Atkins), which was recently removed from the inactive file in the final days of session. SB 450 would limit the ability of local governments to apply objective standards on a proposed SB 9 (2021) project and require cities to approve or deny a proposed project within 60 days from when a local agency receives a completed application, or the project is deemed approved. Finally, the measure allows a developer to demolish and replace an existing home with two new homes even if a tenant occupies the home.

From the beginning, SB 9 permitted the application of objective standards if those standards did not physically preclude the construction of the units. SB 450 reverses this provision by limiting objective standards to those that apply on sites that do not include two units, preventing a local agency from applying appropriate health and safety standards while not precluding the use.

The California Legislature continues to pass, and the Governor sign dozens of complex housing laws requiring ministerial approval of various projects without funding local governments to hire the necessary staff to implement these laws. SB 450 would compound this problem by requiring cities to approve or deny projects within 60 days, thus forcing cities to set aside other housing development applications to prioritize SB 9 projects. Failure to act within 60 days would result in automatic project approval.

With only one full time and one part time Planner in the City of Lodi (population 67,000+), staff is already overly burdened with keeping up with development code amendments and administration of copious housing laws adopted in recent years. SB 450 would place further burdens on those 1 ½ staff, while the state provides no funding support to hire additional staff or consultants in order to implement such provisions.



Additionally, SB 450 would prohibit local governments from accounting for specific, adverse impacts on the physical environment of a proposed lot split which may lead to unintended consequences for local communities. Cities like Lodi plan and zone for the intensity of land uses in their general plans to ensure safe and smart residential development. By removing the ability of local governments to account for this, these streamlined housing projects may have negative impacts on the environment, agriculture, noise levels, and wildlife. Protecting these resources is necessary to promote smart and safe housing development in California.

For these reasons, the City of Lodi requests your **veto** on **SB 450**. If you have any questions, please do not hesitate to contact John Della Monica at (209) 333-6700.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Craig". The signature is fluid and cursive, with the first name "Lisa" and last name "Craig" clearly legible.

Lisa Craig, Mayor  
City of Lodi California

Cc: The Honorable Toni Atkins ([senator.atkins@senate.ca.gov](mailto:senator.atkins@senate.ca.gov))  
Stephen Qualls ([squalls@cacities.org](mailto:squalls@cacities.org))  
League of California Cities ([cityletters@calcities.org](mailto:cityletters@calcities.org))

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September 16, 2024

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**RE: SB 1037 (Wiener) Planning and zoning: housing element: enforcement  
Request for VETO**

Dear Governor Newsom,

The City of Lodi regrettably requests a **veto** on SB 1037 (Wiener), which would allow the Attorney General to take legal action against a city and seek fines up to \$50K a month for failure to adopt a compliant housing element or if the city does not follow state laws that require ministerial approval of certain housing projects.

Under existing law cities can be subject to significant fines and penalties for violating certain housing laws. However, before fines are imposed, a city has the ability to correct the action. Additionally, enhanced fines are not imposed unless the city fails to follow a court's order or acts in bad faith.

Unfortunately, as currently drafted, SB 1037 does not provide an opportunity for cities to correct an honest mistake or address a genuine difference in interpreting the law. Even those jurisdictions acting in good faith could be subject to significant fines and be required to pay the Attorney General for all costs investigating and prosecuting the action, including expert witness fees and attorney's fees.

As a jurisdiction that adopted its Housing Element on time, the City of Lodi opposes this bill because we've heard from neighboring jurisdictions that weren't lucky enough to hire top notch consultants to assist in the arduous process of amending their Housing Elements. While acting in good faith, these short-staffed jurisdictions have been at the mercy of high-priced consultants, who themselves are often understaffed, to address dozens of new housing laws adopted by the State in recent years. We are all doing our best to keep up as the laws seem to change annually.

The City of Lodi believes that instead of creating new fines and penalties, lawmakers and the Department of Housing and Community Development should provide cities with clear guidance and technical assistance to help them finalize their housing elements and put those plans to work so much-needed housing construction can occur.

For these reasons, the City of Lodi requests your **veto** on **SB 1037**. If you have any questions, do not hesitate to contact John Della Monica at (209) 333-6700.

Sincerely,



Lisa Craig, Mayor  
City of Lodi California

Cc: The Honorable Scott Wiener ([senator.wiener@senate.ca.gov](mailto:senator.wiener@senate.ca.gov))  
Stephen Qualls ([squalls@cacities.org](mailto:squalls@cacities.org))  
League of California Cities ([cityletters@calcities.org](mailto:cityletters@calcities.org))

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Scott R. Carney  
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**City Clerk**

September 16, 2024

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**RE: SB 1123 (Caballero) Planning and zoning: subdivisions: ministerial review.**  
**Request for VETO**

Dear Governor Newsom,

The City of Lodi writes to strongly request that you **VETO** SB 1123 (Caballero). This measure would require cities to allow the construction of up to 10 new units on a parcel that was zoned and planned for only one unit. Not only is SB 1123 inconsistent with local zoning standards, but it will likely also be contrary to a city's state-mandated housing element.

Housing affordability and homelessness are among the most critical issues facing California cities, including the City of Lodi. Affordably priced homes are out of reach for many residents, and housing is not being built fast enough to meet the current or projected needs of our community. Cities, including ours, lay the essential groundwork for housing production by planning and zoning new projects based on extensive public input and engagement, as well as state housing laws. Importantly, we have already updated our housing plans to identify sites for more housing units, in line with state mandates, and are looking to encourage 'missing middle' housing types and ADU construction with the availability of free pre-approved ADU plans.

SB 1123 disregards this state-mandated local planning effort and forces cities to allow up to 10 times more density on parcels that were specifically zoned for single-family homes. This raises serious concerns about the purpose of the regional housing needs allocation (RHNA) process. If developers are permitted to disregard existing zoning requirements, it calls into question the need for cities to engage in the multiyear planning process to identify suitable sites for new housing units, only to have those plans ignored.

The City of Lodi has consistently sought solutions to the housing supply and affordability crisis that is affecting our region. These efforts include streamlining local approval processes, advocating for new state and local financial partnerships to fund affordable housing and infrastructure projects, and consolidating important housing program grant applications. While some of these efforts have fallen short, they highlight the need for additional action from the Legislature and Governor.

For these reasons, the City of Lodi requests your **veto** on **SB 1123** and looks forward to working together to bolster local government efforts to address California's robust housing crisis.

Please do not hesitate to contact John Della Monica to discuss in greater detail at (209) 333-6700.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Craig". The signature is fluid and cursive, with the first name "Lisa" and the last name "Craig" clearly distinguishable.

Lisa Craig, Mayor  
City of Lodi California

Cc: The Honorable Anna Caballero ([senator.caballero@senate.ca.gov](mailto:senator.caballero@senate.ca.gov))  
Stephen Qualls ([squalls@cacities.org](mailto:squalls@cacities.org))  
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September 16, 2024

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**RE: SB 1211 (Skinner) Land use: accessory dwelling units: ministerial approval  
Request for VETO**

Dear Governor Newsom,

The City of Lodi respectfully requests a **veto** on SB 1211 (Skinner), which would require local jurisdictions to ministerially approve up to 8 detached accessory dwelling units (ADUs) on an existing multifamily dwelling lot. Additionally, this measure mandates the ministerial approval of up to 2 detached ADUs on a lot with a proposed multifamily dwelling.

Housing affordability and homelessness are among the most critical issues facing California cities, including the City of Lodi. Affordably priced homes are out of reach for many residents, and housing is not being built fast enough to meet the current or projected needs of our community. Cities like ours lay the groundwork for housing production by planning and zoning new projects based on extensive public input and engagement, state housing laws, and the needs of the building industry.

While we appreciate the desire to pursue a housing production proposal, SB 1211, as currently drafted, will not spur much-needed housing construction in a manner that supports local flexibility, decision-making, and community input. State-driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement involved in developing and adopting zoning ordinances and housing elements that are certified by the California Department of Housing and Community Development (HCD).

The City of Lodi currently allows at least one ADU and a maximum of up to twenty-five percent of the number of units within an existing multi-family development to be developed with additional ADUs. From our experience, applications for multifamily ADUs tend to be in areas where the infrastructure was not designed to handle the increased strain on the system. Moreover, by limiting open space, these areas are subjected to urban flooding as heavy rain events increase due to climate change. Parking exemptions for ADUs place further strains on these neighborhoods because most folks in the Central

Valley have no choice but to drive due to limited transit options. While we are able to take all of these factors into account when considering new development, this bill would further limit the City's ability to contemplate factors unique to older neighborhoods, thereby reducing quality of life for existing residents.

The City of Lodi opposes the requirement for the by-right approval of standalone ADUs on parcels with existing multifamily buildings. This requirement would create a loophole around local regulations that ensure multifamily projects include open space for the benefit of tenants, community amenities such as laundry facilities, and adequate parking for existing tenants. The current proposal would permit developers to construct ADUs in areas never intended for development through a by-right ministerial process, leading to a reduction in important community benefits such as parks, open space, and parking availability, thereby decreasing the quality of life for our residents.

For these reasons, the City of Lodi requests your **veto** on **SB 1211**. If you have any questions, please do not hesitate to contact John Della Monica at (209) 333-6700.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Craig".

Lisa Craig, Mayor  
City of Lodi California

Cc: The Honorable Nancy Skinner ([senator.skinner@senate.ca.gov](mailto:senator.skinner@senate.ca.gov))  
Stephen Qualls ([squalls@cacities.org](mailto:squalls@cacities.org))  
League of California Cities ([cityletters@calcities.org](mailto:cityletters@calcities.org))




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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Set Public Hearing for November 20, 2024 to Consider Adopting a Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees For 2025 (CD)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Cynthia Marsh, Deputy Director of Community Development / City Planner

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**RECOMMENDED ACTION:**

Set public hearing for November 20, 2024 to consider adopting a resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 2025.

**BACKGROUND INFORMATION:**

On February 21, 2001, the City of Lodi adopted the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The Plan includes a schedule of fees to be paid by property owners who propose to develop their property with non-agricultural uses. These fees are used to mitigate for the cumulative impacts of new development on habitat lands within Lodi and San Joaquin County. It is necessary for all jurisdictions covered by the Plan to approve the Habitat Conservation Plan (HCP) fees for the jurisdiction to continue to participate in the Plan. The fees are reviewed on an annual basis.

The proposed 2025 SJMSCP development fees were adjusted using the recommended 2020 SJMSCP Five-Year Financial Model Update for the respective categories and are compared to the 2024 SJMSCP Development fees (Table 2) in the most common habitat categories under the plan. The change is an overall decrease of 7.5% in the most impacted categories of Agricultural and Natural habitat classifications from the prior year. The decrease is due primarily to a decline in the land acquisition component (Category A) for agricultural land price values of comparable sales even though there was a rise in the reported Consumer Price Index (CPI) for Categories B and C.

The San Joaquin Council of Governments Board approved the HCP fee schedule for 2025 during their August 2024 board meeting. The Board coordinates the review of land costs to ensure that the current land mitigation costs will satisfy habitat conservation and purchases. All local jurisdictions are requested to approve the new fee schedule that will take effect on January 1, 2025.

**STRATEGIC VISION:**

5F. Infrastructure: Funding for the maintenance of future development project is sustainable and self-supporting.

**FISCAL IMPACT:**

Not applicable.



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## COUNCIL COMMUNICATION

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**FUNDING AVAILABLE:**

Not applicable.

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John Della Monica  
Community Development Director

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Scott R. Carney  
City Manager




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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Public Hearing to Consider Waiving the First Reading and Introducing an Urgency Ordinance to Repeal and Replace Lodi Municipal Code 2.08 City Councilmember Salaries In Its Entirety Pursuant to SB 329 and to Allow Salary Increases to Begin With the December 2024 Council Term (CM)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Scott R. Carney, City Manager and Katie O. Lucchesi, City Attorney

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**RECOMMENDED ACTION:**

Public Hearing to consider waiving the first reading and introducing an urgency ordinance to repeal and replace Lodi Municipal Code 2.08 City Councilmember salaries in its entirety pursuant to SB 329 and to allow salary increases to begin at the December 2024 Council term (CM).

**BACKGROUND INFORMATION:**

In 2008, the City Council of the City of Lodi ("City") set the salaries for the Mayor and City Councilmembers (collectively "Councilmembers") at \$860 per month (Lodi Municipal Code Section 2.08.020) based on the law in effect at the time. That salary amount was tied to the City's population being over 50,000 (Former Gov. Code Section 36516(a)(3), as existing before January 1, 2024). Councilmember's \$860 monthly salary amount has not been increased since 2008. In light of the revisions to Government Code 36516 made by California Senate Bill 329 (Chp 27, Stats 2023) ("SB 329"), further discussed below, staff recommends that Council consider a draft urgency ordinance increasing Council Member salaries to take effect with the next Council term on December 18, 2024.

**DISCUSSION/ANALYSIS:**

SB 329 was signed into law in June of 2023 and its changes took effect January 1, 2024.

The legislation amended Government Code Section 36516, increasing the maximum monthly salary payable to councilmembers of general law cities, such as the City of Lodi. In enacting SB 329, the Legislature found that "[t]he compensation schedule for general law cities has not been adjusted since 1984, meaning that city council compensation has not kept pace with inflation," and further found that "[a]llowing cities to adjust their compensation for inflation since 1984 may help city councils become more diverse because increased compensation can help individuals from across different income levels receive sufficient income from their service to help ensure that they can continue to serve the public and support their families." (SB 329, Section 1.)

Senator Bill Dodd from Napa, author of SB 329, provided the following justifications in support of the need to raise Council salaries:

- i. "low levels of pay make it much harder for [councilmembers] to balance their careers and personal obligations with the calling to serve their community. It's time those amounts caught up to the present economic reality, especially with the rapid increase in inflation we've seen

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## COUNCIL COMMUNICATION

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- recently.”
- ii. SB 329 was intended to “remove barriers to achieving more equitable representation in local government by making it easier for public servants to balance careers and personal obligations.”
  - iii. “[r]aising the pay will also make it easier for members of marginalized communities to serve. City Councils should be reflective of the communities they represent and I believe raising their compensation is an important step to achieving that equitable outcome.”

Similarly, Lodi Councilmember salaries have not been increased since 2008, and such salaries have not kept pace with the rising cost of living and inflation, which have increased significantly in recent years. Adjusting salaries in line with these economic realities ensures Councilmembers are fairly compensated without diminishing their standard of living and allowing for their full participation in civic duties.

Also, in following the intent of SB 329 to expand Council representation of all residents, City Council has taken a series of actions to better represent Lodi’s diverse community:

- i. The City completed its last round of redistricting in 2021, which focused on public outreach and engaging all City communities in the redistricting process.
- ii. In May 2023, Council adopted its Strategic Vision and eight initiatives to serve as the City Council’s vision for the future of the City. Council initiatives, such as: economic development, housing, and public well-being, all state the desire to engage diverse cultures and gather perspectives from residents to identify new ideas and strategies to improve Lodi.
- iii. The Council also approved and adopted its Housing Element in March 2024, which prioritized community engagement to ensure that the City meets the housing needs for Lodi residents and provides fair housing options for all. We are proud to recognize that Lodi was only the second City in the State to get its Housing Element certified by the California Department of Housing and Community Development.

These examples show that Council is attempting to fully represent the diverse interests of all Lodi residents, but those efforts have not yet shown in the Council candidate nominations. The City’s certified candidate lists from the current 2024 election back to 2016, show that the majority of City Council candidates have listed their Ballot Designations as business owner, incumbent or Councilmember, or such other positions with more flexible work schedules. This narrow swath of occupations does not fully encompass the diverse careers, lifestyles, or perspectives represented in the City. By providing fair compensation going forward, Lodi may also foster a more inclusive Council, where financial barriers do not hinder qualified candidates from all income levels and backgrounds.

Under the SB 329 revisions to Government Code 36516, maximum Councilmember salary amounts remain tied to City population, as determined by the last federal census or an estimate validated by the California Department of Finance. The chart below identifies the maximum salary amount by City population established by the new law (Gov. Code Section 36516(a)(2)-(3)).

City Population	Maximum Council Member Monthly Salary
Up to 35,000	\$950
35,001 to 50,000	\$1,275
50,001 to 75,000	\$1,600
75,001 to 150,000	\$1,900
150,001 to 250,000	\$2,550
Over 250,000	\$3,200

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## COUNCIL COMMUNICATION

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The 2020 census shows the City's population as 66,348 (see [Lodi, California - Census Bureau Profiles Results <https://data.census.gov/profile?q=lodi,%20california>](https://data.census.gov/profile?q=lodi,%20california)). The California Department of Finance estimated the City of Lodi's population as of January 1, 2024, to be 66,492 (see [Estimates-E1 | Department of Finance \(ca.gov\) <https://dof.ca.gov/forecasting/demographics/estimates-e1/>](https://dof.ca.gov/forecasting/demographics/estimates-e1/)). Under either population measure, the population of the City of Lodi is between 50,001 and 75,000; therefore, the City Council may increase the monthly Council Member salary from \$860 per month up to \$1,600 per month.

Following the establishment of the population-based salary by a City Council, as set forth above, Government Code authorizes the City Council to adopt future salary increases beyond those amounts by a subsequent ordinance. However, the future increases may not to exceed the greater of either:

(1) an amount not to exceed five percent for each calendar year from the operative date of the last adjustment of the salary; or

(2) the inflation amount since January 1, 2024, not to exceed 10 percent for each calendar year (Gov. Code Section 36516(a)(4)).

Any increase in Councilmember salaries requires an affirmative act of the City Council and automatic future increases in Councilmember salary, such as automatic cost of living increases, are prohibited. (Gov. Code Section 36516(a)(5).) Any future change in salary adopted by ordinance would not take effect until the start of a new term of any one Councilmember, including Councilmembers who may be re-elected (Gov. Code Section 36516.5.) The start of a new term for the Lodi City Council will occur on December 18, 2024, following certification of the results of the general election held on November 5, 2024. Therefore, unless the urgency ordinance is adopted, any salary increase would not take effect until after the next election cycle in December of 2026.

Procedurally, Government Code as revised by SB 329 requires that any increase to the Council Member salary be enacted by ordinance considered during at least two regular meetings of the City Council at least seven days apart. The ordinance increasing salaries must also be supported by findings demonstrating the need for the increased compensation (Gov. Code Section 36516(g)).

A proposed ordinance amending Lodi Municipal Code Section 2.08.020 to reflect a new City Council Member salary of \$1,600 per month is attached for the City Council's consideration.

### Urgency Findings

Government Code Section 36937(b) provides that Council can adopt an ordinance that takes effect immediately "[f]or the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the city council."

As described above, if the proposed changes are adopted as an Ordinance rather than an Urgency Ordinance implementation of the salary increases would be delayed until at least one Council Member begins a new term in December 2026. Delaying implementation would have an immediate threat to public peace, health and safety of the City and its community due to the identified financial harms to current Councilmembers, the deterrence to diverse future candidates going into the City's next election cycle in 2026, and ultimately the City as a whole.

This proposed Urgency Ordinance complies with the two regular meeting requirements provided in Section 36516, but would waive the 30-day period before the Ordinance's effective date, so that salary increases can take effect with the new Council term beginning December 18, 2024. The City Council has the power to enact an urgency ordinance, not in conflict with general laws, as necessary to protect public peace, health, and safety, via exercise of the powers provided to cities in Article XI, Section 7, of the California Constitution, and in compliance with Government Code section 36937(b). Staff recommends adoption of this Urgency Ordinance pursuant to Government Code Section 36937(b). The urgency ordinance would be effective immediately upon

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## COUNCIL COMMUNICATION

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a 4/5 vote, and then the adopted salary increases would apply when the new Council term begins.

### ALTERNATIVE ACTIONS:

The City Council could (1) determine that an urgency does not exist, and instead adopt a traditional ordinance amending Chapter 2.08 which would go into effect on the 31<sup>st</sup> day following adoption (salary increases would not occur until the next term begins in December 2026, (2) choose to adopt a monthly salary at an amount less than \$1,600 per month, (3) choose to take no action and have no further discussion on Council Member salaries, or (4) submit the question of the amount of Council Member salaries to the voters at a municipal election. (Gov. Code section 36516(b)).

### STRATEGIC VISION:

All.

### FISCAL IMPACT:

Council also participates in the various benefits set forth in Resolution 2021-12 attached as Exhibit A which include accidental death and dismemberment insurance, chiropractic coverage, a deferred compensation, dental insurance, life insurance, medical insurance or a buyout option, PERS retirement, technology, travel insurance, vision coverage and worker's compensation insurance. The current salary for a Council Member is \$860 per month or \$10,360 per year. Depending on the benefits selected and received, a Council Member's maximum current total annual compensation can be up to \$37,211. If the City Council increases compensation to \$1,600 per month or \$19,200 per year, the total compensation amount would be up to \$47,299. The salary increase is estimated to cost an additional \$29,290 for the remainder of Fiscal Year 2024-25.

### FUNDING AVAILABLE:

Funding is available in the General Fund contingency budget. The contingency budget was set at \$55,000 for Fiscal Year 2024-25.

Attachments: Resolution 2021-12  
Proposed Lodi Municipal Code Section 2.08  
Redlined Lodi Municipal Code Section 2.08

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Katie O. Lucchesi  
City Attorney

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Scott R. Carney  
City Manager

RESOLUTION NO. 2021-12

A RESOLUTION OF THE LODI CITY COUNCIL  
 RESCINDING RESOLUTION NO. 2018-254 AND  
 APPROVING BENEFIT MODIFICATIONS FOR  
 COUNCIL MEMBERS

=====

WHEREAS, the Lodi City Council is amending the benefits provided to its City Council Members; and

WHEREAS, the following Schedule of Benefits represents a listing of those benefits:

<b>Benefit</b>	<b>Amount</b>
Accidental Death & Dismemberment Insurance	\$10,000; City pays full premium
Chiropractic Coverage	Access to coverage through City plan; City pays full premium
Deferred Compensation	Participation in any of the plans offered by the City (No City match provided)
Dental Coverage	Access to coverage through City plan; City pays full premium
Employee Assistance Program (EAP)	Access to coverage through City plan; City pays full premium
Flexible Spending Account (Section 125)	Participation in City provided plan
Life Insurance	\$10,000; City pays full premium
Lodi City Employee's Association (LCEA)	Membership in LCEA is available at the Council Member's cost
Medical Insurance	Access to available plans through CalPERS - City contribution capped at \$690.20 for Employee only; \$1,380.39 for Employee +1; and, \$1,794.51 for Employee +Family
Medical Insurance Opt-Out	If City offered coverage is declined and proof of other group coverage is provided, Council Member is eligible for payment of \$305.22 for Employee only, \$532.92 for Employee + 1; and \$692.81 for Employee + Family coverage
PERS Retirement	Optional for Council Members. 2% at 55 for 'Classic' employees; 2% at 62 for 'New' employees; Council Member pays the full employee share
Technology	Each Council member shall be issued a new iPad or equivalent device at the beginning of each 4-year term for official City of Lodi business use only. At the completion of the term, the iPad shall be returned to the Information Technology

	Manager to be wiped at which time the Council member may keep the wiped iPad for personal use.
Travel Insurance-Accidental Death	\$100,000; City pays full premium
Vision Coverage	Access to coverage through City plan; City pays full premium
Worker's Compensation	Covered by California Worker's Compensation program; City pays full premium

NOW, THEREFORE, BE IT RESOLVED, by the City Council that it does hereby rescind Resolution No. 2018-254 and approve the benefit modifications for Council Members.

Date: January 6, 2021

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I hereby certify that Resolution No. 2021-12 was passed and adopted by the Lodi City Council in a regular meeting held January 6, 2021, by the following vote:

- AYES: COUNCIL MEMBERS – Chandler, Kuehne, Khan, Hothi, and Mayor Nakanishi
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None

  
 JENNIFER CUSMIR  
 City Clerk

ORDINANCE NO. \_\_\_\_\_

AN URGENCY ORDINANCE OF THE LODI CITY COUNCIL REPEALING AND REPLACING LODI MUNICIPAL CODE CHAPTER 2.08, "CITY COUNCIL SALARIES" IN ITS ENTIRETY TO INCREASE COUNCIL SALARIES PURSUANT TO SB 329 AND TO ALLOW SALARY INCREASES TO BEGIN WITH THE DECEMBER 2024 COUNCIL TERM

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Purpose. The purpose of this Urgency Ordinance is to repeal and replace Lodi Municipal Code Chapter 2.08 in its entirety to increase Councilmember salaries to account for the significant rise in the cost of living since last adopted in 2008, and to encourage more public participation on the City Council that is representative of all City residents in accordance with revisions to California Government Code Section 36516.

SECTION 2. Findings. This Urgency Ordinance is adopted as an urgency ordinance pursuant to Government Code Section 36937(b). The City Council makes the following findings supporting the adoption of this Urgency Ordinance:

- A. Under California Government Code Section 36516, cities may adjust councilmember compensation up to a specified maximum based on the city's population. Prior to the revisions in Senate Bill 329, which took effect January 1, 2024 ("SB 329"), the maximum Councilmember salary had not been increased since 1984. Senator Bill Dodd from Napa, author of SB 329, provided the following justifications in support of the need to raise Council salaries:
  - i. "low levels of pay make it much harder for [councilmembers] to balance their careers and personal obligations with the calling to serve their community. It's time those amounts caught up to the present economic reality, especially with the rapid increase in inflation we've seen recently."
  - ii. SB 329 was intended to "remove barriers to achieving more equitable representation in local government by making it easier for public servants to balance careers and personal obligations."
  - iii. "[r]aising the pay will also make it easier for members of marginalized communities to serve. City Councils should be reflective of the communities they represent and I believe raising their compensation is an important step to achieving that equitable outcome."
- B. Similarly, Lodi Councilmember salaries have not been increased since 2008, and such salaries have not kept pace with the rising cost of living and inflation, which have increased significantly in recent years.
- C. The responsibilities of City Councilmembers have also increased significantly over the years, driven by factors such as population growth, expanding municipal services, increased legislative mandates, and the growing complexity of issues that local governments now face. This increase in workload requires Councilmembers to dedicate more time to City business, making an updated salary structure necessary to compensate their service more equitably.
- D. Adjusting salaries in line with these economic realities ensures Councilmembers are fairly compensated without diminishing their standard of living and allowing for their full participation in civic duties.



- E. City Council has taken a series of actions to better represent Lodi's diverse community:
  - i. The City completed its last round of redistricting in 2021, which focused on public outreach and engaging all City communities in the redistricting process.
  - ii. In May 2023, Council adopted its Strategic Vision and eight initiatives to serve as the City Council's vision for the future of the City. Council initiatives, such as: economic development, housing, and public well-being, all state the desire to engage diverse cultures and gather perspectives from residents to identify new ideas and strategies to improve Lodi.
  - iii. The Council also approved and adopted its Housing Element in March 2024, which prioritized community engagement to ensure that the City meets the housing needs for Lodi residents and provides fair housing options for all. We are proud to recognize that Lodi was only the second City in the State to get its Housing Element certified by the California Department of Housing and Community Development.
- F. These examples show that Council is attempting to fully represent the diverse interests of all Lodi residents. By adopting this Urgency Ordinance and providing fair compensation going forward, Lodi may also foster a more inclusive Council, where financial barriers do not hinder qualified candidates from all income levels and backgrounds.
- G. The City's certified candidate lists from the current 2024 election back to 2016, show that the majority of City Council candidates have listed their Ballot Designations as business owner, incumbent or Councilmember, or such other positions with more flexible work schedules. Council finds that this narrow representation does not fully encompass the diverse occupations, lifestyles, or perspectives within the City.
- H. Council finds that by raising the Council salary, it may remedy part of the financial burden that discourages many residents from pursuing a role on Council. Thus, this Urgency Ordinance seeks to align Lodi Councilmember salaries with the revised state law, and to implement these salary adjustments at the December 2024 term so that there won't be a financial impediment going into the next election cycle.
- I. Council recognizes that if the salary increases are not adopted by Urgency Ordinance, the delay in salary implementation until the December 2026 term will have an immediate threat to public peace, health and safety of the City and its community due to the identified financial harms to current Councilmembers and deterrence to future candidates continuing into the City's 2026 election cycle and beyond.
- J. The City Council has the power to enact an urgency ordinance, not in conflict with general laws, as necessary to protect public peace, health, and safety, via exercise of the powers provided to cities in Article XI, Section 7, of the California Constitution, and in compliance with Government Code section 36937(b).
- K. The Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety in order to update the existing City Councilmember salaries to take effect for the next election term scheduled to begin December 18, 2024. If this Urgency Ordinance were not adopted, any update to Council salary would be delayed until the next electoral term beginning in December 2026. This would continue to negatively impact current Councilmembers, discourage those diverse candidates from running for Council in the 2026 election cycle, and harm the City as a whole.
- L. Any urgency ordinance adopted pursuant to Government Code Section 36937(b) shall be effective immediately.
- M. Therefore, Council finds and determines that based on the foregoing findings, all of which are deemed true and correct, this Urgency Ordinance is urgently needed for the immediate preservation of the public peace, health, and safety, and it satisfies the findings requirement in Government Code Section 36516(g)(2) to demonstrate need for increased

compensation. This Urgency Ordinance shall take effect immediately upon adoption in accordance with the provisions set forth in Government Code Section 36937.

SECTION 3. Repealed and Replaced. The Lodi Municipal Code Chapter 2.08 entitled "City Council Salaries" is hereby repealed and replaced in its entirety to read as follows:

### **Chapter 2.08 - CITY COUNCIL SALARIES**

#### **2.08.010 - Basis.**

This Chapter is enacted pursuant to California Government Code Section 36516, authorizing the City Council to provide by ordinance that each member of the Council shall receive a prescribed salary based upon the population of the City of Lodi as determined by the federal census or estimate validated by the State Department of Finance.

#### **2.08.020 - Amount.**

Each member of the City Council shall receive, as salary, the sum of one thousand six hundred dollars (\$1,600) per month, as allowed in Government Code Section 36516(a)(2) for cities over fifty thousand and up to seventy-five thousand (50,001-75,000) in population. Council salary shall be payable from and after the operative date of this Chapter and at the same time and in the same manner as salaries paid to other officers and employees of the City.

#### **2.08.030 - Future adjustments.**

Councilmember salary may be adjusted (increased or decreased) by ordinance in accordance with Section 36516 of the Government Code, including the limitation that no ordinance may be enacted to provide automatic future increases in Council salary. Once a salary adjustment ordinance is in effect, any adjustment to Council salary shall begin on the first day of the next City pay period following the date upon which one or more members of the Council begin a new term of office in accordance with California Government Code Section 36516.5.

#### **2.08.040 – Benefits separate.**

Any amounts paid by the City for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the City for its employees.

#### **2.08.050 - Expense reimbursement separate.**

The salaries prescribed in this Chapter are and shall be exclusive of any amounts payable to each member of the Council as reimbursement for actual and necessary expenses incurred by each member in the performance of official duties for the City.

#### **2.08.060 - Operative date.**

This Chapter shall become operative only on and after the date upon which one or more members of the Council become eligible for the salary prescribed in this Chapter.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. No Mandatory Duty of Care. This Ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 6. No Conflict. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 7. Effective Date and Publication. This Ordinance is hereby declared an Urgency Ordinance under Government Code of the State of California, Section 36937, subsection (b) thereof, and it shall take effect immediately upon adoption and approval by at least four-fifths vote of the City Council. However, Council will continue to receive the previously approved \$860 per month salary until the next Council term begins on December 18, 2024, and the salary increases in the Urgency Ordinance begin to apply pursuant to Government Code Section 36516.5. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Urgency Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024

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Lisa Craig  
Mayor

Attest:

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OLIVIA NASHED, City Clerk  
State of California  
County of San Joaquin

I, Olivia Nashed, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_\_, 2024, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2024, by at least a 4/5 vote of the City Council as follows:

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

I further certify that Ordinance No. 2024 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

---

OLIVIA NASHED  
City Clerk

Approved as to Form:

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KATIE O. LUCCHESI  
City Attorney

ORDINANCE NO. \_\_\_\_\_

AN URGENCY ORDINANCE OF THE LODI CITY COUNCIL REPEALING AND REPLACING LODI MUNICIPAL CODE CHAPTER 2.08, "CITY COUNCIL SALARIES" IN ITS ENTIRETY TO INCREASE COUNCIL SALARIES PURSUANT TO SB 329 AND TO ALLOW SALARY INCREASES TO BEGIN WITH THE DECEMBER 2024 COUNCIL TERM

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Purpose. The purpose of this Urgency Ordinance is to repeal and replace Lodi Municipal Code Chapter 2.08 in its entirety to increase Councilmember salaries to account for the significant rise in the cost of living since last adopted in 2008, and to encourage more public participation on the City Council that is representative of all City residents in accordance with revisions to California Government Code Section 36516.

SECTION 2. Findings. This Urgency Ordinance is adopted as an urgency ordinance pursuant to Government Code Section 36937(b). The City Council makes the following findings supporting the adoption of this Urgency Ordinance:

- A. Under California Government Code Section 36516, cities may adjust councilmember compensation up to a specified maximum based on the city's population. Prior to the revisions in Senate Bill 329, which took effect January 1, 2024 ("SB 329"), the maximum Councilmember salary had not been increased since 1984. Senator Bill Dodd from Napa, author of SB 329, provided the following justifications in support of the need to raise Council salaries:
  - i. "low levels of pay make it much harder for [councilmembers] to balance their careers and personal obligations with the calling to serve their community. It's time those amounts caught up to the present economic reality, especially with the rapid increase in inflation we've seen recently."
  - ii. SB 329 was intended to "remove barriers to achieving more equitable representation in local government by making it easier for public servants to balance careers and personal obligations."
  - iii. "[r]aising the pay will also make it easier for members of marginalized communities to serve. City Councils should be reflective of the communities they represent and I believe raising their compensation is an important step to achieving that equitable outcome."
- B. Similarly, Lodi Councilmember salaries have not been increased since 2008, and such salaries have not kept pace with the rising cost of living and inflation, which have increased significantly in recent years.
- C. The responsibilities of City Councilmembers have also increased significantly over the years, driven by factors such as population growth, expanding municipal services, increased legislative mandates, and the growing complexity of issues that local governments now face. This increase in workload requires Councilmembers to dedicate more time to City business, making an updated salary structure necessary to compensate their service more equitably.
- D. Adjusting salaries in line with these economic realities ensures Councilmembers are fairly compensated without diminishing their standard of living and allowing for their full participation in civic duties.

- E. City Council has taken a series of actions to better represent Lodi's diverse community:
  - i. The City completed its last round of redistricting in 2021, which focused on public outreach and engaging all City communities in the redistricting process.
  - ii. In May 2023, Council adopted its Strategic Vision and eight initiatives to serve as the City Council's vision for the future of the City. Council initiatives, such as: economic development, housing, and public well-being, all state the desire to engage diverse cultures and gather perspectives from residents to identify new ideas and strategies to improve Lodi.
  - iii. The Council also approved and adopted its Housing Element in March 2024, which prioritized community engagement to ensure that the City meets the housing needs for Lodi residents and provides fair housing options for all. We are proud to recognize that Lodi was only the second City in the State to get its Housing Element certified by the California Department of Housing and Community Development.
- F. These examples show that Council is attempting to fully represent the diverse interests of all Lodi residents. By adopting this Urgency Ordinance and providing fair compensation going forward, Lodi may also foster a more inclusive Council, where financial barriers do not hinder qualified candidates from all income levels and backgrounds.
- G. The City's certified candidate lists from the current 2024 election back to 2016, show that the majority of City Council candidates have listed their Ballot Designations as business owner, incumbent or Councilmember, or such other positions with more flexible work schedules. Council finds that this narrow representation does not fully encompass the diverse occupations, lifestyles, or perspectives within the City.
- H. Council finds that by raising the Council salary, it may remedy part of the financial burden that discourages many residents from pursuing a role on Council. Thus, this Urgency Ordinance seeks to align Lodi Councilmember salaries with the revised state law, and to implement these salary adjustments at the December 2024 term so that there won't be a financial impediment going into the next election cycle.
- I. Council recognizes that if the salary increases are not adopted by Urgency Ordinance, the delay in salary implementation until the December 2026 term will have an immediate threat to public peace, health and safety of the City and its community due to the identified financial harms to current Councilmembers and deterrence to future candidates continuing into the City's 2026 election cycle and beyond.
- J. The City Council has the power to enact an urgency ordinance, not in conflict with general laws, as necessary to protect public peace, health, and safety, via exercise of the powers provided to cities in Article XI, Section 7, of the California Constitution, and in compliance with Government Code section 36937(b).
- K. The Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety in order to update the existing City Councilmember salaries to take effect for the next election term scheduled to begin December 18, 2024. If this Urgency Ordinance were not adopted, any update to Council salary would be delayed until the next electoral term beginning in December 2026. This would continue to negatively impact current Councilmembers, discourage those diverse candidates from running for Council in the 2026 election cycle, and harm the City as a whole.
- L. Any urgency ordinance adopted pursuant to Government Code Section 36937(b) shall be effective immediately.
- M. Therefore, Council finds and determines that based on the foregoing findings, all of which are deemed true and correct, this Urgency Ordinance is urgently needed for the immediate preservation of the public peace, health, and safety, and it satisfies the findings requirement in Government Code Section 36516(g)(2) to demonstrate need for increased

compensation. This Urgency Ordinance shall take effect immediately upon adoption in accordance with the provisions set forth in Government Code Section 36937.

**SECTION 3. Repealed and Replaced.** The Lodi Municipal Code Chapter 2.08 entitled "City Council Salaries" is hereby repealed and replaced in its entirety to read as follows:

### **Chapter 2.08 - CITY COUNCIL SALARIES**

#### **2.08.010 - Basis.**

~~The ordinance codified in this Chapter is enacted pursuant to California Government Code Section 36516 of the Government Code, as added by Chapter 286 of the Statutes of 1965, authorizing the City Council to provide by ordinance that each member of the Council shall receive a prescribed salary the amount of which is based upon the population of the City of Lodi as determined by the federal census or estimate made validated by the State Department of Finance.~~

#### **2.08.020 - Amount.**

~~Each member of the City Council of the city shall receive, as salary, the sum of eight hundred sixty of one thousand six hundred dollars (\$1,600) per month, as prescribed allowed in Government Code Section 36516(a)(32) in for cities over fifty thousand and up to seventy-five thousand (50,001-75,000) in population, which shall be effective December 3, 2008, and Council salary shall be payable from and after the operative date of the ordinance codified in this Chapter and at the same time and in the same manner as the salaries are paid to other officers and employees of the City.~~

#### **2.08.030 - Increase or decrease. Future adjustments.**

~~Council-member salary may be adjusted (increased or decreased) by ordinance in accordance with Section 36516 of the Government Code, including the limitation that no ordinance may be enacted to provide automatic future increases in Council salary. Once a salary adjustment ordinance is in effect, any adjustment to Council salary shall begin on the first day of the next City pay period following~~

~~Following any new and later estimate of population made by the Department of Finance placing the city in a population group other than that set forth in Section 2.08.020, the salary payable under this chapter to each member of the council shall be increased or decreased accordingly to equal the sum prescribed for that population group in Section 36516 of the Government Code, as added by Chapter 286 of the Statutes of 1965; provided, however, that the salary as so increased or decreased shall become payable only on and after the date upon which one or more members of the Council become eligible therefor by virtue of beginning a new term of office following the next succeeding general municipal election held in the in accordance with California Government Code Section 36516.5city.~~

#### **2.08.040 – Benefits separate.**

~~Any amounts paid by the City for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the City for its employees.~~

**2.08.049 050 - Expense reimbursement separate.**

The salaries prescribed in this Chapter are and shall be exclusive of any amounts payable to each member of the Council as reimbursement for actual and necessary expenses incurred by each member-him in the performance of official duties for the City.

**2.08.0650 - Operative date.**

~~This Chapter shall become operative only on and after the date upon which one or more members of the Council become eligible for the salary prescribed in this Chapter, by virtue of beginning a new term of office following the general municipal election next succeeding its effective date, the first day of the next city pay period following the effective date of this ordinance as specified in section 2.08.020.~~

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. No Mandatory Duty of Care. This Ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 6. No Conflict. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 7. Effective Date and Publication. This Ordinance is hereby declared an Urgency Ordinance under Government Code of the State of California, Section 36937, subsection (b) thereof, and it shall take effect immediately upon adoption and approval by at least four-fifths vote of the City Council. However, Council will continue to receive the previously approved \$860 per month salary until the next Council term begins on December 18, 2024, and the salary increases in the Urgency Ordinance begin to apply pursuant to Government Code Section 36516.5. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Urgency Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this \_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Lisa Craig  
Mayor

Attest:

\_\_\_\_\_  
OLIVIA NASHED, City Clerk



State of California  
County of San Joaquin

I, Olivia Nashed, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_\_, 2024, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2024, by at least a 4/5 vote of the City Council as follows:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 2024 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

\_\_\_\_\_  
OLIVIA NASHED  
City Clerk

Approved as to Form:

\_\_\_\_\_  
KATIE O. LUCCHESI  
City Attorney

KL

Signature:   
Katie Lucchesi (Oct 31, 2024 09:19 PDT)

Email: klucchesi@lodi.gov




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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Receive Information Regarding Implementation of Senate Bill 1383 within the City of Lodi (PW)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Public Works Director

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**RECOMMENDED ACTION:**

Receive information regarding implementation of Senate Bill 1383 within the City of Lodi.

**BACKGROUND INFORMATION:**

At the August 16, 2023 Council meeting, Council adopted a resolution amending and restating its franchise agreement with USA Waste Service of California, Inc., doing business as Central Valley Waste Services (WM), for solid waste, recycling, and organics waste collection and processing services in the City of Lodi, effective September 1, 2023.

The main purpose of the amended and restated agreement was to account for additional services, programs, and equipment related to Senate Bill (SB) 1383. SB 1383 is an unfunded State mandate that requires organic waste be recycled to reduce greenhouse gas emissions in landfills. Those additional services and programs include weekly collection of organics waste, mandatory commercial organics recycling services, including multi-family properties, edible food recovery, procurement of recycled organic materials, and color-compliant waste carts.

A Citywide, residential re-route for collection services was completed in January 2024 to accommodate weekly collection of organics. Mandatory commercial organics was implemented in March 2024 with multi-family following in October 2024. Outreach and education was provided to commercial edible food generators in 2023 to implement individual edible food recovery programs effective January 2024. WM recently completed residential cart replacement, wrapping up on September 6, 2024, about a month ahead of schedule. 53,509 waste carts were replaced at over 19,000 homes Citywide. Of those carts 12,091 were trash, 20,234 recycling, and 21,185 organics.

The efforts of City staff and WM along with the cooperation of residential customers enabled an efficient transition and cart swap. The excellent customer cooperation was illustrated by the low “cart not out” percentage (number of carts not out at time of replacement). Lodi’s “cart not out” percentage was less than five percent, which is significantly lower than most other jurisdictions that completed cart replacement programs. The City received only 197 complaints, approximately 0.01 percent, from residents reporting cart replacement issues to the City. WM did not track the number of complaints specific to cart replacement.

Staff will present an update SB 1383 implementation since the amended and restated franchise agreement became effective, including an update of the current Corrective Action Plan status. Up to date statistics

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## COUNCIL COMMUNICATION

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regarding numbers of resident complaints, total number of cart swaps, along with additional solid waste data will be included in the presentation.

**STRATEGIC VISION:**

8. Public Well-Being.

**FISCAL IMPACT:**

Not Applicable

**FUNDING AVAILABLE:**

Not Applicable

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Charles E. Swimley  
Public Works Director

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Scott R. Carney  
City Manager




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## COUNCIL COMMUNICATION

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**AGENDA TITLE:**

Continue Consideration of Waiving the First Reading of Ordinance Amending Lodi Municipal Code Chapter 8.04 "Outdoor and Tent Assemblies," Chapter 9.08 Article II "Trespassing And Loitering," Section 12.04.010 "Definitions Section 12.04.060 "Required," Section 12.12.010 "Definitions," Section 12.12.050 "Entering Closed Areas," Section 12.12.170 "Structures," Section 12.12.255 "Lodi Lake Nature Area-Prohibited Activities," Section 12.12.420 "Skate Park Regulations," Section 12.12.430 "Violations," and Chapter 15.52 Camp Cars and Trailer Camps to Regulate Unauthorized Camping in the City (CD)

**MEETING DATE:**

November 6, 2024

**PREPARED BY:**

Cynthia Marsh, Deputy Director / City Planner

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**RECOMMENDED ACTION:**

Consider Ordinance Amending Lodi Municipal Code Chapter 8.04 "Outdoor and Tent Assemblies," Chapter 9.08 Article II "Trespassing And Loitering," Section 12.04.010 "Definitions Section 12.04.060 "Required," Section 12.12.010 "Definitions," Section 12.12.050 "Entering Closed Areas," Section 12.12.170 "Structures," Section 12.12.255 "Lodi Lake Nature Area-Prohibited Activities," Section 12.12.420 "Skate Park Regulations," Section 12.12.430 "Violations," and Chapter 15.52 Camp Cars and Trailer Camps to Regulate Unauthorized Camping in the City

**BACKGROUND INFORMATION:**

On October 2, 2024, the City Council held a public hearing to consider an Ordinance amending Lodi Municipal Code Chapter 8.04 "Outdoor and Tent Assemblies," Chapter 9.08 Article II "Trespassing And Loitering," Section 12.04.010 "Definitions Section 12.04.060 "Required," Section 12.12.010 "Definitions," Section 12.12.050 "Entering Closed Areas," Section 12.12.170 "Structures," Section 12.12.255 "Lodi Lake Nature Area -Prohibited Activities," Section 12.12.420 "Skate Park Regulations," Section 12.12.430 "Violations," and Chapter 15.52 Camp Cars and Trailer Camps to Regulate Unauthorized Camping in the City.

After holding the public hearing, Council voted to continue the item to a future meeting for action on the proposed ordinance until after the October 7, 2024, Town Hall on Homelessness.

On October 7, 2024, the City Council held a special City Council meeting, or "Town Hall" on Homelessness. During the Town Hall, Council asked Staff to compare the proposed amendments to those of San Joaquin County and neighboring jurisdictions. Staff has made those comparisons and determined that the proposed City of Lodi ordinance amendments are more stringent than the County and surrounding jurisdictions.

**STRATEGIC VISION:**

7H. Public Safety: Address strategic safety problem areas in the community.

**FISCAL IMPACT:**

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## COUNCIL COMMUNICATION

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The Ordinance provides additional tools for Community Improvement and Police Officers to use to abate certain conditions in violation of Lodi Municipal Code and improve overall public health and safety. Initial efforts will utilize existing staff and therefore have no fiscal impact. Should enforcement of this new code become priority, there may be opportunity costs associated for staff in Community Improvement, Police, and the City Attorney's office.

**FUNDING AVAILABLE:**

Not applicable.

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John Della Monica  
Community Development Director

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Scott R. Carney  
City Manager

ORDINANCE NO. 2024

AN ORDINANCE OF THE LODI CITY COUNCIL REPEALING AND REPLACING LODI MUNICIPAL CODE CHAPTER 8.04 "OUTDOOR AND TENT ASSEMBLIES," CHAPTER 9.08 ARTICLE II "TRESPASSING AND LOITERING," SECTION 12.04.010 "DEFINITIONS," SECTION 12.12.010 "DEFINITIONS," SECTION 12.04.060 "REQUIRED," SECTION 12.12.010 "DEFINITIONS," SECTION 12.12.050 "ENTERING CLOSED AREAS," Section 12.12.170 "STRUCTURES," SECTION 12.12.255 "LODI LAKE NATURE AREA—PROHIBITED ACTIVITIES," SECTION 12.12.420 "SKATE PARK REGULATIONS," SECTION 12.12.430 "VIOLATIONS," AND CHAPTER 15.52 "CAMP CARS AND TRAILER CAMPS" TO REGULATE UNAUTHORIZED CAMPING IN THE CITY

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. The Lodi Municipal Code Chapter 8.04 entitled "Outdoor and Tent Assemblies" is hereby repealed and replaced with the following:

**Chapter 8.04 PUBLIC CAMPING, OUTDOOR AND TENT ASSEMBLIES**

**Sections:**

**8.04.010 Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- A. "Abatement" means the process of documenting and collecting eligible items for storage, and removing and disposing of, recycling, or reusing of waste at an encampment.
- B. "Camp" means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- C. "Camp paraphernalia" means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- D. "City Manager" means the City Manager, or the City Manager's designee that has authority to enforce the provisions of this Chapter and other sections of the Lodi Municipal Code.
- E. "Encampment" means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.

- F. "Open space" means any undeveloped public property that is used by the public for passive recreational purposes, conservation, habitat preservation, or that maintains or enhances the conservation of natural or scenic resources.
- G. "Park" means any public property, held out by the City for public active or passive park and recreation uses, including adjacent buffer lands and natural areas and any adjacent parking lots and perimeter sidewalks.
- H. "Waste" means any rubbish, solid waste, liquid waste, infectious waste, or medical waste. Waste does not include compost piles, composting or Recyclable Material properly contained and disposed of in a timely fashion.
- I. "Waterway" means all the portions of the Mokelumne River, Lodi Lake, or any irrigation or flood control channel located within the boundaries of the City of Lodi.

#### **8.04.020 Camping Prohibited.**

A. It is unlawful for any person to:

1. camp or to maintain an encampment in or upon any public property, including in any street, sidewalk, park, City parking lot, or open space.
2. sleep on public sidewalk, street, alleyway, median, parkway or right of way, City parking lot, or in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk, at any time as a matter of individual and public safety.
3. Camp, possess camp paraphernalia, maintain an encampment, or sleep, where such activity poses:
  - i. an immediate threat or an unreasonable risk of harm to any natural person,
  - ii. an immediate threat or an unreasonable risk of harm to public health or safety, or
  - iii. disruption to any business, store, religious institution, educational facility, or government services.
4. camp, possess camp paraphernalia, maintain an encampment, or sleep, in the following locations:
  - i. within two blocks of a school that offers instruction on those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education provided that signs are posted prohibiting camping that are clearly visible to pedestrians. School for purposes of this section does not include a vocational or professional institution of higher education, including a community or junior college, college, or university;
  - ii. in any park, open space, waterway, or banks of a waterway;
  - iii. within any transit center, public parking garage, public parking lot, or bus shelter.

**8.04.0340 Permit required for —OOutdoor or tent assemblies.**

It is unlawful for any person to maintain or conduct a place of public assembly under a tent or in an uncovered space in the Ceity, without first having obtained a written permit in the manner prescribed by this Cchapter.

**8.04.0420 Permit required for —O outdoor or tent sleeping accommodations.**

It is also unlawful for any person to maintain or conduct premises wherein living or sleeping accommodations in a tent or in an uncovered space are offered for rent or provided as part of the remuneration for services performed, without obtaining a written permit as prescribed by this Cchapter.

**8.04.0530 Permit Application —Ddeadline.**

Permits for either of the uses specified in Sections 8.04.0340 and 8.04.0420 must be obtained from the Ceity Manager, or his or her authorized representative, on written application submitted at least ten days before the meeting is to be held or the premises opened for business.

**8.04.0640 Permit Application —Ccontents.**

The application for a permit required by this Cchapter shall state:

- A. The name and address of the applicant;
- B. The purposes for which the premises are to be used;
- C. The time during which it is proposed to operate, both as to hours and to opening and closing dates;
- D. The number of persons to be accommodated;
- E. The accessibility of sanitary facilities and fire hydrants;
- F. Whether the premises are to be occupied under tent or in the open air; and
- G. If under tent, accompanied by a certificate of inspection signed by the Chief of the Fire Department.

**8.04.0750 Permit aApplication —Ssketch or map.**

Each application for a tent permit shall be accompanied by a sketch or map or drawing delineating the boundaries of the subject premises and showing the relation of the space to be occupied in its relation to existing buildings or structures within fifty feet thereof.


**8.04.0860 Permit aApplication —Insurance certificate.**

The application for a tent permit, if for a place of public assembly, shall be accompanied by a certificate that the applicant is adequately protected by public liability insurance minimums as required by the Ceity's Risk Manager. within the following minimum limits:

- ~~A. Injury or death of one person in any one accident, twenty-five thousand dollars; and~~
- ~~B. More than one person in any one accident, fifty thousand dollars; and~~
- ~~C. Injury or destruction of property, five thousand dollars.~~



**8.04.0970 Health ~~district~~ department approval.**

If the tent is to be occupied for living or sleeping accommodations, no permit will be issued unless approved for this purpose by the local representative of the San Joaquin ~~Environmental Local Health Department~~ Environmental  istrict.

**8.04.1080 Revocation of permits.**

Any tent permit issued under the provisions of this chapter may be revoked summarily for violation of Ccity ordinances or regulations or of state laws applicable thereto or for loud or raucous noises emanating from the subject premises. Revocation for any other reason shall be on three days' notice delivered by the Ccity Manager, or designee, to the permittee or to the person in charge of the occupied premises.

**8.04.110 Abatement of Encampments.**


The City may remove personal property, camping paraphernalia, and all other property, contraband, litter, and waste found at a location where a person is engaged in unlawful camping, maintenance of an encampment, or any other access or encroachment violation of the Lodi Municipal Code, by completing the following procedures:

A. Written Notice Required Prior to Abatement.

1. A written Notice of Clean-Up will be posted on each tent or structure and in any other distinct areas of the encampment or Outdoor or Tent Assembly providing notice of the date of clean-up and giving a minimum of 48 hours for persons to remove their personal property. This Notice of Clean-Up shall also include information on where and how a person may claim any private property items that are collected and stored during the abatement process.
2. After 48 hours, the City enforcement shall be authorized to conduct abatement of the site on the date posted on the Notice of Clean-Up. If abatement is delayed or rescheduled, the City may conduct abatement within 48 hours of the posted Notice of Clean-Up without reposting a new Notice of Clean-Up. If abatement is delayed longer, the City Manager shall repost a Notice of Clean-Up with a new date.

B. Documentation of Abatement. City staff or the contractor performing the abatement shall document the abatement process by photographing or video recording the site before, during, and after any abatement of the area, and by reviewing and cataloging any private property items found at the abatement site that may be eligible for storage.

C. Property Storage.

1. Enforcement Officials shall  a reasonable effort to ascertain whether unattended personal property or possessions found at the abatement site have been abandoned and, if so, to thereafter cause their removal and destruction as allowed under Civil Code Section 2080.7.
2. Unclaimed items found at the abatement site, may be eligible for storage if:
  - i. circumstances indicate that the item belongs to a person,
  - ii. the item has apparent value and utility in its current condition and circumstances.

- iii. the item does not pose a public health or safety risk, and
- iv. the item can be safely retrieved from the site.
- 3. The City's abatement staff or contractor shall record each eligible item to be stored, including the location it was found and the date of storage. Any stored items shall be kept in storage at least 90 calendar days and then it may be auctioned off, disposed of, or recycled in accordance with Lodi Municipal Code Chapter 3.24 (Lost and Unclaimed Property).
- 4. Unattended personal property or possessions that are unsanitary, soiled or verminous shall be summarily abated and destroyed, or transferred to the appropriate officials for proper handling and/or disposal. These items include those that are:
  - i. hazardous, including items contaminated with human waste or bodily fluid, soiled items likely to expose others to disease, animal waste, or bugs, explosives, weapons, liquids, drug paraphernalia, or mold;
  - ii. likely to become hazardous in storage, including perishables, wet materials that might become moldy, and items covered in mud;
  - iii. practically un-storable, due to large size, weight, or other similar characteristic;
  - iv. contraband or stolen property.

D. Summary Abatement without Notice.

- 1. The City Manager, or designated enforcement official may perform a summary abatement of an unlawful encampment or encroachment immediately without prior notice, if the violation poses an imminent threat to public health or safety.
- 2. Summary abatement pursuant to this subsection may include:
  - i. removal of camp facilities, camp paraphernalia, personal property, garbage, hazardous waste, infectious waste, junk, or debris;
  - ii. securing the perimeter of the site or property with fencing, gates, or barricades to prevent further occurrences of the nuisance activity; and
  - iii. any other necessary actions to protect public health or safety from the unlawful activities and nuisance conditions.

E. Abatement on Private Property. Private property owners shall be responsible for removal of any illegal encampments on their own property. If private property owners allow or fail to remove illegal encampments on their property, the City may pursue abatement of such violations in accordance with this Chapter or Chapter 1.10, and the private property owner shall be responsible for related enforcement and all abatement costs.

SECTION 2. The Lodi Municipal Code Chapter 9.08, Article II entitled "Trespassing and Loitering" is hereby repealed and replaced with the following:

***Article II. Trespassing and Loitering***

**9.08.080 Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- A. "Camp" or "camping" means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- B. "Camp paraphernalia" means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- C. "Community center" means any building or structure, or portion thereof, operated by or under the jurisdiction of the Ceity of Lodi or Ceity of Lodi Parks and Recreation Department and used for a planned recreation program.
- A-D. "Encampment" means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.
- B-E. "Posted property" means any property specified in Section 9.08.090, which is posted in the manner provided in Section 9.08.100.
- C-F. "Recreation facility" means any building or structure, or portion thereof, operated by or under the jurisdiction of the Ceity of Lodi or the Ceity of Lodi Parks and Recreation Department and used for recreation purposes.
- D-G. "School property" means any building, structure, or property, or portion thereof, operated by or under the jurisdiction of the Lodi Unified School District and used for education or recreation purposes.
- E-H. "Sign" means a board, placard, or card not less than seventeen inches by twenty-two inches in size with lettering not less than one inch in height, which appear the words, "Stopping, Standing, or Parking Vehicles Prohibited by Law. Vehicles Will be Removed at Owner's Expense. LPD Phone (209) 333-6727," as to stopping, standing, or parking, or upon which appear the words, "Trespassing-Loitering Forbidden by Law," and any time limit that may be specified thereon as to trespassing-loitering.

**9.08.090 Posting—Where permitted.**

Any property within the Ceity may be posted against stopping, standing or parking vehicles on posted property and/or may be posted against trespassing, camping, maintaining an encampment, storing camping paraphernalia, and loitering in the manner provided in Section 9.08.100, and thereby become posted property subject to the provisions of this article. The provisions of this section shall not apply to the following property:

- A. An established and existing right-of-way for public road purposes;
- B. Any property which comes within the provisions of Section 554 of the Penal Code.

**9.08.100 Posting—Method.**

Property may be posted against trespassing, camping, maintaining an encampment, storing camping paraphernalia, and loitering and/or stopping, standing or parking vehicles on posted property in the following manner:

- A. If the property does not contain any lineal dimension exceeding three hundred feet, by posting signs at each corner of the area and at intervals not exceeding one hundred feet and, if such property has a definite entrance or entrances, at each such entrance.
- B. If the property has lineal dimensions exceeding three hundred feet, by posting signs at each corner of the area and at intervals not exceeding two hundred feet and, if such property has a definite entrance or entrances, at each such entrance.

**9.08.110 Prohibited where posted.**

It is unlawful for any person to enter or remain on any posted property without the written permission of the owners, tenant or the occupant in legal possession or control thereof.

**9.08.115 Loitering in certain public places prohibited.**

It is unlawful for any person to willfully enter, remain, camp, maintain camping paraphernalia, or loiter in or about any community center, recreation facility, or school property operated by or under the jurisdiction of the Ceity of Lodi, the Lodi Pparks and Rrecreation Department, or the Lodi Unified School District that has been posted in accordance with this article, when the property or any section or part thereof has been declared closed, whether temporary or at stated intervals, and whether entirely or merely as to certain uses by an authorized employee or representative of such city, department, or school district, as applicable, except when the person is given permission to do so by an authorized employee or representative of such city, department, or school district, while the person is using the facilities of, or is participating in, a planned program at any such community center, recreation facility, or school property.

**9.08.120 Peace officers and public employees exempted.**

The provisions of this article shall not apply to the entry upon posted property in the course of duty of any peace officer or other duly authorized public employee.

**9.08.130 Union activities exempted.**

The provisions of this article shall not apply to any lawful activity by which the public is informed of the existence of an alleged labor dispute.

**9.08.140 Destruction of signs.**

It is unlawful for any person without authority to tear down, deface or destroy any sign posted pursuant to this article.

**9.08.150 Vehicles.**

No person shall stop, park or leave standing such vehicle at any time within or upon any posted property without written permission of the owner, tenant or the occupant in legal possession or control thereof. Vehicles parked in violation of this requirement may be removed at the vehicle owner's expense. Violations of this requirement are deemed to be an infraction.

**SECTION 3.** The Lodi Municipal Code Section 12.04.010 entitled "Definitions" is hereby repealed and replaced as follows:

**12.04.010 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Applicant" means any person, as defined, that has filed an application to do work or encroach upon a public street or right-of-way as defined in this chapter.
- B. "Camp" or "camping" means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- C. "Camp paraphernalia" means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- D. "Director" means the public works director of the city.
- E. "Encampment" means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.
- F. "Encroach" and "encroachment" mean going upon, over, under or using any right-of-way in such a manner as to prevent, obstruct, damage, or interfere with the normal use of that way or property, and may include the performance thereon of any of the following acts:
  - 1. Excavating or disturbing the right-of-way;
  - 2. Constructing, placing, leaving, erecting or maintaining any post, sign, pole, fence, barricade, guardrail, wall, furniture, goods, equipment, construction material, loading platform or other structure or object on, over, or under the right-of-way;
  - 3. Planting any tree, shrub or other growing thing within the right-of-way;
  - 4. Placing or leaving on the right-of-way any rubbish, brush, earth, or other material of any nature whatever;

5. Constructing, placing, leaving, or maintaining on, over, under or within the right-of-way any pathway, sidewalk, driveway, or other surfacing, any culvert or other surface drainage or subsurface drainage facility, or any pipe, conduit, or cable;
6. Traveling on the right-of-way by any vehicle or combination of vehicles or object of dimension, weight or other characteristic prohibited by law without a permit;
7. Lighting or building a fire;
8. Constructing, placing, leaving, planting, ~~camping, or~~ maintaining any structure, ~~camp paraphernalia, encampment, or~~ embankment, excavation, tree, or other object adjacent to the right-of-way which causes or will cause an encroachment; or
9. Other activities which may impede the normal access to the right-of-way.

**GD.** "Permittee" means any person(s), as defined, that proposes to do work or encroach upon a public street or right-of-way as defined in this chapter and has been issued a permit for such encroachment by the director. All obligations, responsibilities and other requirements of the permittee, as described in this chapter, shall be binding on subsequent owners of the encroachment.

**HE.** "Person" means a natural person(s), legal entity, firm, company, corporation, limited liability company, partnership, association, and public agency or organization.

**IF.** "Public street" means the full width of the right-of-way of any road, street, lane or alley used by or for the general public, whether or not those roads, streets, lanes, and alleys have been accepted as and declared to be part of the city system of public streets, except streets forming a part of the state highway system.

**JG.** "Right-of-way" means land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for and dedicated to the use of the general public for street or highway purposes, public parks, and public property.

**KH.** "Sidewalk seating area" means the use of a public sidewalk for the placement of tables, chairs, benches, and related items.

**SECTION 4.** The Lodi Municipal Code Section 12.04.060 entitled "Required" is hereby repealed and replaced as follows:

**12.04.060 Encroachment Permit Required.**

- A. It is unlawful for any person, without first obtaining a written permit, to:
1. Encroach or to make or cause to be made any encroachment of any nature whatever within, upon, over or under the limits of any right-of-way in the incorporated territory of the city; or
  2. Make or cause to be made any alteration of any nature within, upon, over or under such right-of-way; or
  3. Construct, put upon, maintain or leave on any right-of-way, or to cause to be constructed, put upon, maintained or left thereon, any obstruction or impediment of any nature whatever; or
  4. Remove, cut or trim trees on such right-of-way; or

5. Set a fire on such right-of-way; or
  6. Place on, over or under such right-of-way any pipeline, conduit or other fixture; or
  7. Move over or cause to be moved over the surface of any right-of-way or over any bridge, viaduct or other structure maintained by the city any vehicle or combination of vehicles or other object of dimension or weight prohibited by law or having other characteristics capable of damaging the right-of-way; or
  8. Construct, place, leave, erect, or maintain any sign, pole, fence, barricade, guardrail, furniture, goods, equipment, construction material, structure, encampment, camp paraphernalia, wall, culvert or similar encroachment; or
  9. Make any excavation or embankment in such a way as to endanger the normal usage of the right-of-way.
- B. Before a vehicle or combination of vehicles or object of weight or dimension or other characteristic prohibited by law without a permit is moved on any right-of-way, a permit to do so must first be granted by the director as set forth in specifications established by the director, or as otherwise required by the director.

**SECTION 5.** The Lodi Municipal Code Section 12.12.010 entitled "Definitions" is hereby repealed and replaced with the following:

**12.12.010 Definitions**

For the purpose of this chapter, certain terms, phrases and words are defined as follows:

- A. "Annual" when used to define the term of a Park Permit shall refer to a calendar year.
- B. "Athletic Field" means a piece of land traditionally used for organized athletic or sporting event(s), including the adjoining spectator area.
- C. "Camp" or "camping" means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- D. "Camp paraphernalia" means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- EG. "Commercial Activity" means soliciting, selling, hawking, peddling, advertising, promoting or providing any goods, wares, merchandise, services, liquids or edibles for human consumption, distributing circulars, or utilizing Recreational Areas to complete the terms of a sale or provide a service as a result of a sale, or for an activity utilizing Recreational Areas that is conducted by a business, its employees or agents.
- FD. "Department" means the Parks, Recreation and Cultural Services Department.
- GE. "Director" means the person who holds the title of Parks, Recreation and Cultural Services director in the city.

H. “Encampment” means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.

I.F. “Recreational Area” means any area, including streets and sidewalks, that is publicly owned, controlled or used by the City of Lodi, and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, skateboard parks, amusement parks, and beaches.

J.G. “Service Animal” means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

K.H. “Vehicle” means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term includes any trailer in tow of any size, kind or description. Exception is made for baby carriages or strollers, and vehicles in the service of Recreational Areas.

SECTION 6. The Lodi Municipal Code Section 12.12.050 entitled “Entering closed areas” is hereby repealed and replaced with the following:

**12.12.050 Entering closed areas.**

- A. No person shall be present in any Recreational Area during the days and hours that such Recreational Area is designated by the Director as closed. Such days and hours shall be posted on signs at the entrances to such Recreational Area.
- B. Further, no person shall enter or be in an area posted as “Closed to the Public,” or any fenced Recreational Area in which the entry gates are locked, nor shall any person use, camp, possess camp paraphernalia, maintain any encampment, aid or abet the use of any such area in violation of this Chapter or the posted notices.

SECTION 7. The Lodi Municipal Code Section 12.12.170 entitled “Structures” is hereby repealed and replaced with the following:

**12.12.170 Structures.**

No person in a recreational area shall camp, erect, maintain, use or occupy any tent, encampment, shelter or structure of any kind unless there is an unobstructed view into such tent, shelter or structure from at least three sides; nor shall any guy wire, rope or extension, or exterior brace or support, be connected or fastened from any such structure to any other structure, stake, rock or other object outside of the structure. The Director may issue a written



permit to allow the use of structures as set forth in Section 12.16.100. Issuance of a permit is in the sole discretion of the Director subject to appeal to the City Manager as set forth in Section 12.16.150.

SECTION 8. The Lodi Municipal Code Section 12.12.255 entitled “Lodi Lake Nature Area—Prohibited activities” is hereby repealed and replaced with the following:

**12.12.255 Lodi Lake Nature Area—Prohibited activities.**

No person shall, within the nature area of Lodi Lake Park:

- A. Ride, walk or operate any bicycle, tricycle, or similar human-powered conveyance, except upon the main trails, as designated by appropriate signs indicating bicycles are permitted. This section shall not apply to any law enforcement or parks department employee while carrying out his or her official duties, or any person with a physical disability;
- B. Conduct or participate in any organized track and field or athletic event, without first obtaining written consent of the Director. As a matter of city policy to prevent overuse of and damage to the nature area, such consent shall be given only for cross country events and only to those organizations that had conducted cross country events in the nature area during the twelve-month period immediately prior to April 1, 1991. In the event any organization qualifying for cross country events under this section shall fail to conduct a cross country event during any twelve-month period, consent shall be denied thereafter; ~~or-~~
- C. Camp, store camp paraphernalia, or maintain an encampment in or upon any public property in the Lodi Lake Nature Area, open space, waterway, and banks of a waterway, unless specifically authorized by the City Manager.
- D. Violation of (A) or (B) of this section shall be an infraction, but section (C) may be prosecuted as a misdemeanor due to increased fire and public health and safety risk caused from illegal camping activities.

SECTION 9. The Lodi Municipal Code Section 12.12.420 entitled “Skate park regulations” is hereby repealed and replaced with the following:

**12.12.420 Skate park regulations.**

The following regulations shall apply to the riding of skateboards, in-line skates, roller skates, or bicycles at, or any other use of, any facility or park owned or operated by the city of Lodi, which has been designated a skate park:

- A. Within the skate park, it shall be unlawful for any person to:
  - 1. Ride, operate, or use a skateboard, roller skates, in-line skates or bicycle unless that person is wearing a helmet designed for skateboarding, roller-skating, in-line skating, and/or bicycle use with a chin strap, elbow pads designed for skateboarding, roller-skating, in-line skating and/or bicycle use with plastic

elbow caps, and knee pads designed for bicycle, skateboard and/or in-line skating use with plastic knee caps, which equipment shall be in good repair at all times during use;

2. Ride, operate, utilize a bicycle, skateboard, roller skates, or in-line skates unless such equipment is in good repair at all times during use;
3. Be on or use an individual apparatus within the skate park while another person is using it;
4. Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps) within the skate park;
5. Use the skate park amenities when the surfaces of the amenities are wet or other conditions exist which would adversely affect the safety of bikers, skateboarders, or skaters;
6. Use, operate, or possess any source of amplified music, including but not limited to, stereos, boom boxes, and amplifiers;
7. Enter the concreted portion of skate park unless actively bicycling, skateboarding, or in-line skating in accordance with these regulations;
8. Use, consume, or have within his or her custody or control food, beverages, or tobacco within the concreted portion of the skate park;
9. Use, consume, or have within his or her custody or control alcohol or illegal drugs within the skate park;
10. Enter the skate park while under the influence of alcoholic beverages or illegal drugs;
11. Use or possess glass containers, bottles, or other breakable glass products within the skate park;
12. Use or engage in profanity, reckless and boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying), or any activity which could endanger the safety of persons using the skate park or spectators;
13. Engage in graffiti, tagging, or other defacing of city property or the properties of others;
14. Ride, operate, or utilize any device other than a bicycle, skateboard, roller skates, or in-line skates (prohibited devices include, but are not limited to, motor vehicles, motorized skateboards, and motorized skates) within the skate park;
15. No person shall enter or remain in or upon the skate park premises:
  - a. While closed, as determined by the parks and recreation department, or
  - b. Between the hours of 9:00 p.m. and 10:00 a.m.;
16. Use or have within his or her custody or control, board wax, within the skate park;
17. No person shall enter the skate park with any animal; and
18. No person under the age of twelve shall enter the skate park without being accompanied by a parent or guardian.

19. No person shall camp, store camp paraphernalia, or maintain an encampment at the skate park.

- B. The skate park shall be posted with signs at the following locations:
1. At the entrance to the skate park; and
  2. On the fences of the skate park, facing the interior of the skate park, and in such places inside the park as determined by the city. The signs shall not be less than two feet by three feet in size and shall use black letters on a white background. The signs may, but shall not be required to, summarize the regulations governing the use of the skate facility. Each sign shall contain, in letters not less than ½ inch in height, the following language:

**WARNING**

BICYCLING, SKATEBOARDING, AND IN-LINE SKATING ARE HAZARDOUS RECREATION ACTIVITIES. USE OF THIS FACILITY MAY RESULT IN SERIOUS INJURIES OR DEATH. THE CITY OF LODI DOES NOT ASSUME ANY RESPONSIBILITY FOR INJURIES OR DEATH. EACH PERSON ENTERING THE FACILITY ASSUMES ALL RISK OF INJURY OR DEATH. CALIFORNIA HEALTH AND SAFETY CODE § 115800.

IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE A BICYCLE, SKATEBOARD, OR IN-LINE SKATES UNLESS THE PERSON IS WEARING A HELMET DESIGNED FOR BICYCLE, SKATEBOARD, AND/OR IN-LINE SKATING WITH A CHIN STRAP, ELBOW PADS DESIGNED FOR BICYCLE, SKATEBOARD, AND/OR IN-LINES SKATING USE WITH PLASTIC ELBOW CAPS AND KNEE PADS DESIGNED FOR BICYCLE, SKATEBOARD, AND/OR IN-LINE SKATING USE WITH PLASTIC KNEE CAPS, WHICH EQUIPMENT SHALL BE IN GOOD REPAIR AT ALL TIMES DURING USE. IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE ANY DEVICE OTHER THAN NON-MOTORIZED BICYCLES, NON-MOTORIZED SKATE BOARDS, AND NON-MOTORIZED SKATES. IT IS UNLAWFUL FOR ANY PERSON TO SMOKE, CONSUME ALCOHOLIC BEVERAGES, OR PLAY AMPLIFIED MUSIC WITHIN THE SKATE PARK. USERS UNDER THE AGE OF 12 MUST BE ACCOMPANIED BY A PARENT OR GUARDIAN. ANY PERSON FAILING TO COMPLY WITH THIS SECTION SHALL BE SUBJECT TO CITATIONS AND PENALTIES PURSUANT TO LODI MUNICIPAL CODE SECTION 1.08.010.

SECTION 10. The Lodi Municipal Code Section 12.12.430 entitled "Violations" is hereby repealed and replaced with the following:

**12.12.430 Violations.**

Every act prohibited or declared unlawful and every failure to perform an act made mandatory by this chapter shall be prosecuted as a misdemeanor for violations of subsections (A) (9), (10), (13), ~~(14)~~ and ~~(194)~~ of Section 12.12.420. All other violations shall be prosecuted as an infraction as provided in Section 1.08.010 of this Code.

SECTION 11. The Lodi Municipal Code Chapter 15.52 entitled "Camp Cars and Trailer Camps" is hereby repealed and replaced with the following:

**Chapter 15.52 CAMP CARS AND TRAILER CAMPS**

**Sections:**

#### 15.52.010 Definitions.

For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

- A. “Camp” or “camping” means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- B. “Camp car” or “trailer” is any vehicle used for living or sleeping purposes and which is equipped with wheels or similar devices used for the purpose of transporting the unit from place to place, whether by motive power or other means.
- C.B. “Campground” is any place, area or tract of land upon which is located any camp car or trailer used for living or sleeping purposes.
- D. “Camp paraphernalia” means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- E. “Encampment” means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.

#### 15.52.020 Applicability—Conformance.

The provisions of this Cchapter shall be applicable to every campground within the incorporated area of the Ceity, and it is unlawful for any person maintaining, operating, conducting or carrying on any such campground or for any person living or sleeping in any camp car or trailer located in a campground or any other person to illegally camp, store camp paraphernalia, maintain an encampment, or otherwise violate or contribute in any way to the violation of any of the provisions of this Cchapter.

#### 15.52.030 Permit—Required.

Before building or constructing any campground or any improvements thereon situated or to be situated, the owner or party intending to operate the same shall first apply for and obtain such “special use permit” or other permit from the City Council.

#### 15.52.040 Permit—Application.

Each application for a use permit to operate shall be in writing, upon a form provided by the Ceity Council for that purpose. It shall state the name and address of the applicant and a description of the property whereon or wherein it is proposed to conduct a campground. It shall also contain such other information as the Ceity Council may require and it shall be filed by the applicant. It shall be filed with the Ceity Clerk not less than five days nor more than thirty days before the campground is made.

#### **15.52.050 Permit—Posting.**

It is unlawful for any person to establish, maintain, conduct or carry on an illegal encampment or to operate any campground unless there shall be at all times posted in a conspicuous place at the campground the permit obtained from the City Council in accordance with the provisions of this Chapter.

#### **15.52.060 Sanitation and maintenance.**

Every person owning or operating a campground shall maintain such campground and any toilets, baths or other permanent equipment in connection therewith in a clean and sanitary condition and shall maintain the equipment in a state of good repair, and it shall be the duty of the operator to comply with all rules and regulations contained in this Chapter governing the operation and maintenance of such campgrounds, and to prevent illegal encampments from occurring on their campground site.

#### **15.52.070 Layout—Sites.**

Every campground shall be laid out with available unoccupied space of not less than an average of five hundred square feet, but none of which shall be of an area of less than four hundred square feet for each camp car or trailer, and such available unoccupied spaces shall not be construed to include the space within any drive way. No more camping sites shall be allowed for such camping cars or trailers than the number of times five hundred square feet can be divided into the whole camping area of any campground exclusive of the area used for driveways. All camping spaces shall be designated with a separate number. Camp cars or trailers shall be arranged as near as possible, in rows abutting or facing on a driveway or clear unoccupied space of not less than eighteen feet in width which space shall have unobstructed access to a public street or alley.

#### **15.52.080 Drainage.**

Every campground shall be located on a well-drained area and the premises of every such campground or any existing campground shall be properly graded so as to prevent the accumulation of storm or casual waters.

#### **15.52.090 Water supply.**

An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of such campground. Such water supply shall be obtained from faucets only, conveniently located in the campground. No dipping vessels or common cups shall be permitted. No camp car or trailer shall be located more than two hundred feet from a faucet.

#### **15.52.100 Removal of wheels—Fixing trailer.**

It is unlawful for any person owning or operating a camp car or trailer located in a campground to remove or cause to have removed the wheels or any similar transporting

devices from the camp car or trailer or to otherwise permanently fix it to the ground in a manner that would prevent the ready removal of such camp car or trailer. Any such alteration to any camp car or trailer shall be construed as removing it from the requirements of this Chapter and converting it into a dwelling and it shall thereupon be subject to the requirements of the building code of the City and the State Housing Act Law.

#### **15.52.110 Dogs at large.**

Dogs at no time shall be permitted to run at large in any campground or to occupy any encampment.

#### **15.52.120 Water closets—Bathing facilities.**

- A. Flush water closets shall be provided in separate compartments for each sex within a distance of not more than two hundred feet from any camp unit. Not less than one water closet shall be provided for each fifteen persons, or fractional part thereof, of each sex. Such water closets shall be distinctly marked "For men" and "For women" and the location of the water closets plainly indicated by signs. All water closets shall be kept clean, free from obnoxious odor, flies, mosquitoes or other insects, be well lighted and ventilated directly to the outside air.
- B. Shower baths or other bathing facilities with running water shall be provided in separate compartments for every twenty persons, or fractional part thereof, of each sex, within a distance of not more than two hundred feet from any camp unit.
- C. All water closets or compartments containing bathing facilities shall be installed in proper compartments which shall be well lighted, ventilated, disinfected and screened. The floors and walls of such compartments shall be surfaced with impervious materials to a height of at least six feet.

#### **15.52.130 Solid-waste receptacles.**

There shall be provided in every campground such number of tight receptacles with close-fitting metal covers for garbage, refuse, ashes and rubbish as may be required to take care of the same, and such garbage receptacles shall at all times be maintained in a clean and sanitary condition, and such garbage shall be collected in accordance with provisions of this code and other City ordinances.

#### **15.52.140 Slop sinks.**

There shall be provided in every campground one or more slop sinks, properly connected with a sewer or cesspool, such sinks to be conveniently located at no greater distance than one hundred fifty feet from any camp car or trailer.

#### **15.52.150 Sewage disposal.**

It is unlawful to permit any wastewater or material from sinks, baths, showers or other plumbing fixtures in camp cars or trailers to be deposited upon the surface of the ground, and all such fixtures, when in use, must be connected to the city sewer system, or the drainage therefrom must be disposed of in a satisfactory and sanitary manner.

**15.52.160 Lighting.**

Every campground shall be provided with means of electrically lighting the same at night, and all water closets and bath units shall be provided with sufficient electric lighting facilities, and all water closets shall be kept lighted during the time from one-half hour after sunset until one-half hour before sunrise.

**15.52.170 Living or sleeping in camp cars or trailers.**

It is unlawful to occupy any encampment, camp car or trailer for living or sleeping purposes in the City unless the same is located upon a campground licensed under the provisions of this Chapter; provided, however, that where a residence building is built and used for residence purposes upon any lot within the City, the family or head thereof occupying such residence house may permit any relative or friend of such family to occupy for a term of not to exceed thirty days in the backyard of such lot, but not upon any adjoining or vacant lot, a camp car or trailer for sleeping purposes only, where the same is not prohibited as an auxiliary use under the terms and provisions of the zoning regulations of the City; provided, that no rent shall be charged for the privilege of so maintaining such camp car, trailer or tent in or upon the backyard.

SECTION 12. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 13. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 14. No Conflict. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 15. Effective Date and Publication. This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this \_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Lisa Craig  
Mayor

Attest:

\_\_\_\_\_  
OLIVIA NASHED, City Clerk  
State of California

County of San Joaquin

I, Olivia Nashed, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 2024 was introduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_\_, 2024, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2024, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 2024 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

\_\_\_\_\_  
OLIVIA NASHED  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Katie Lucchesi  
City Attorney

KL



ORDINANCE NO. 2024

AN ORDINANCE OF THE LODI CITY COUNCIL REPEALING AND REPLACING LODI MUNICIPAL CODE CHAPTER 8.04 "OUTDOOR AND TENT ASSEMBLIES," CHAPTER 9.08 ARTICLE II "TRESPASSING AND LOITERING," SECTION 12.04.010 "DEFINITIONS," SECTION 12.12.010 "DEFINITIONS," SECTION 12.04.060 "REQUIRED," SECTION 12.12.010 "DEFINITIONS," SECTION 12.12.050 "ENTERING CLOSED AREAS," Section 12.12.170 "STRUCTURES," SECTION 12.12.255 "LODI LAKE NATURE AREA—PROHIBITED ACTIVITIES," SECTION 12.12.420 "SKATE PARK REGULATIONS," SECTION 12.12.430 "VIOLATIONS," AND CHAPTER 15.52 "CAMP CARS AND TRAILER CAMPS" TO REGULATE UNAUTHORIZED CAMPING IN THE CITY

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. The Lodi Municipal Code Chapter 8.04 entitled "Outdoor and Tent Assemblies" is hereby repealed and replaced with the following:

**Chapter 8.04 PUBLIC CAMPING, OUTDOOR AND TENT ASSEMBLIES**

**Sections:**

**8.04.010 Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- A. "Abatement" means the process of documenting and collecting eligible items for storage, and removing and disposing of, recycling, or reusing of waste at an encampment.
- B. "Camp" means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- C. "Camp paraphernalia" means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- D. "City Manager" means the City Manager, or the City Manager's designee that has authority to enforce the provisions of this Chapter and other sections of the Lodi Municipal Code.
- E. "Encampment" means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.

- F. "Open space" means any undeveloped public property that is used by the public for passive recreational purposes, conservation, habitat preservation, or that maintains or enhances the conservation of natural or scenic resources.
- G. "Park" means any public property, held out by the City for public active or passive park and recreation uses, including adjacent buffer lands and natural areas and any adjacent parking lots and perimeter sidewalks.
- H. "Waste" means any rubbish, solid waste, liquid waste, infectious waste, or medical waste. Waste does not include compost piles, composting or Recyclable Material properly contained and disposed of in a timely fashion.
- I. "Waterway" means all the portions of the Mokelumne River, Lodi Lake, or any irrigation or flood control channel located within the boundaries of the City of Lodi.

**8.04.020 Camping Prohibited.**

- A. It is unlawful for any person to:
  - 1. camp or to maintain an encampment in or upon any public property, including in any street, sidewalk, park, City parking lot, or open space.
  - 2. sleep on public sidewalk, street, alleyway, median, parkway or right of way, City parking lot, or in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk, at any time as a matter of individual and public safety.
  - 3. Camp, possess camp paraphernalia, maintain an encampment, or sleep, where such activity poses:
    - i. an immediate threat or an unreasonable risk of harm to any natural person,
    - ii. an immediate threat or an unreasonable risk of harm to public health or safety, or
    - iii. disruption to any business, store, religious institution, educational facility, or government services.
  - 4. camp, possess camp paraphernalia, maintain an encampment, or sleep, in the following locations:
    - i. within two blocks of a school that offers instruction on those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education provided that signs are posted prohibiting camping that are clearly visible to pedestrians. School for purposes of this section does not include a vocational or professional institution of higher education, including a community or junior college, college, or university;
    - ii. in any park, open space, waterway, or banks of a waterway;
    - iii. within any transit center, public parking garage, public parking lot, or bus shelter.

**8.04.030 Permit required for outdoor or tent assemblies.**

It is unlawful for any person to maintain or conduct a place of public assembly under a tent or in an uncovered space in the City, without first having obtained a written permit in the manner prescribed by this Chapter.

**8.04.040 Permit required for outdoor or tent sleeping accommodations.**

It is also unlawful for any person to maintain or conduct premises wherein living or sleeping accommodations in a tent or in an uncovered space are offered for rent or provided as part of the remuneration for services performed, without obtaining a written permit as prescribed by this Chapter.

**8.04.050 Permit application deadline.**

Permits for either of the uses specified in Sections 8.04.030 and 8.04.040 must be obtained from the City Manager, or his or her authorized representative, on written application submitted at least ten days before the meeting is to be held or the premises opened for business.

**8.04.060 Permit application contents.**

The application for a permit required by this Chapter shall state:

- A. The name and address of the applicant;
- B. The purposes for which the premises are to be used;
- C. The time during which it is proposed to operate, both as to hours and to opening and closing dates;
- D. The number of persons to be accommodated;
- E. The accessibility of sanitary facilities and fire hydrants;
- F. Whether the premises are to be occupied under tent or in the open air; and
- G. If under tent, accompanied by a certificate of inspection signed by the Chief of the Fire Department.

**8.04.070 Permit application sketch or map.**

Each application for a tent permit shall be accompanied by a sketch or map or drawing delineating the boundaries of the subject premises and showing the relation of the space to be occupied in its relation to existing buildings or structures within fifty feet thereof.

**8.04.080 Permit application insurance certificate.**

The application for a tent permit, if for a place of public assembly, shall be accompanied by a certificate that the applicant is adequately protected by public liability insurance minimums as required by the City's Risk Manager.

**8.04.090 Health department approval.**

If the tent is to be occupied for living or sleeping accommodations, no permit will be issued unless approved for this purpose by the local representative of the San Joaquin Environmental Health Department.

#### **8.04.100 Revocation of permits.**

Any tent permit issued under the provisions of this chapter may be revoked summarily for violation of City ordinances or regulations or of state laws applicable thereto or for loud or raucous noises emanating from the subject premises. Revocation for any other reason shall be on three days' notice delivered by the City Manager, or designee, to the permittee or to the person in charge of the occupied premises.

#### **8.04.110 Abatement of Encampments.**

The City may remove personal property, camping paraphernalia, and all other property, contraband, litter, and waste found at a location where a person is engaged in unlawful camping, maintenance of an encampment, or any other access or encroachment violation of the Lodi Municipal Code, by completing the following procedures:

##### **A. Written Notice Required Prior to Abatement.**

1. A written Notice of Clean-Up will be posted on each tent or structure and in any other distinct areas of the encampment or Outdoor or Tent Assembly providing notice of the date of clean-up and giving a minimum of 48 hours for persons to remove their personal property. This Notice of Clean-Up shall also include information on where and how a person may claim any private property items that are collected and stored during the abatement process.
2. After 48 hours, the City enforcement shall be authorized to conduct abatement of the site on the date posted on the Notice of Clean-Up. If abatement is delayed or rescheduled, the City may conduct abatement within 48 hours of the posted Notice of Clean-Up without reposting a new Notice of Clean-Up. If abatement is delayed longer, the City Manager shall repost a Notice of Clean-Up with a new date.

##### **B. Documentation of Abatement.** City staff or the contractor performing the abatement shall document the abatement process by photographing or video recording the site before, during, and after any abatement of the area, and by reviewing and cataloging any private property items found at the abatement site that may be eligible for storage.

##### **C. Property Storage.**

1. Enforcement Officials shall make a reasonable effort to ascertain whether unattended personal property or possessions found at the abatement site have been abandoned and, if so, to thereafter cause their removal and destruction as allowed under Civil Code Section 2080.7.
2. Unclaimed items found at the abatement site, may be eligible for storage if:
  - i. circumstances indicate that the item belongs to a person,
  - ii. the item has apparent value and utility in its current condition and circumstances,
  - iii. the item does not pose a public health or safety risk, and
  - iv. the item can be safely retrieved from the site.
3. The City's abatement staff or contractor shall record each eligible item to be stored, including the location it was found and the date of storage. Any stored

items shall be kept in storage at least 90 calendar days and then it may be auctioned off, disposed of, or recycled in accordance with Lodi Municipal Code Chapter 3.24 (Lost and Unclaimed Property).

4. Unattended personal property or possessions that are unsanitary, soiled or verminous shall be summarily abated and destroyed, or transferred to the appropriate officials for proper handling and/or disposal. These items include those that are:
  - i. hazardous, including items contaminated with human waste or bodily fluid, soiled items likely to expose others to disease, animal waste, or bugs, explosives, weapons, liquids, drug paraphernalia, or mold;
  - ii. likely to become hazardous in storage, including perishables, wet materials that might become moldy, and items covered in mud;
  - iii. practically un-storable, due to large size, weight, or other similar characteristic;
  - iv. contraband or stolen property.

D. Summary Abatement without Notice.

1. The City Manager, or designated enforcement official may perform a summary abatement of an unlawful encampment or encroachment immediately without prior notice, if the violation poses an imminent threat to public health or safety.
2. Summary abatement pursuant to this subsection may include:
  - i. removal of camp facilities, camp paraphernalia, personal property, garbage, hazardous waste, infectious waste, junk, or debris;
  - ii. securing the perimeter of the site or property with fencing, gates, or barricades to prevent further occurrences of the nuisance activity; and
  - iii. any other necessary actions to protect public health or safety from the unlawful activities and nuisance conditions.

- E. Abatement on Private Property. Private property owners shall be responsible for removal of any illegal encampments on their own property. If private property owners allow or fail to remove illegal encampments on their property, the City may pursue abatement of such violations in accordance with this Chapter or Chapter 1.10, and the private property owner shall be responsible for related enforcement and all abatement costs.

SECTION 2. The Lodi Municipal Code Chapter 9.08, Article II entitled “Trespassing and Loitering” is hereby repealed and replaced with the following:

***Article II. Trespassing and Loitering***

**9.08.080 Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- A. "Camp" or "camping" means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- B. "Camp paraphernalia" means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- C. "Community center" means any building or structure, or portion thereof, operated by or under the jurisdiction of the City of Lodi or City of Lodi Parks and Recreation Department and used for a planned recreation program.
- D. "Encampment" means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.
- E. "Posted property" means any property specified in Section 9.08.090, which is posted in the manner provided in Section 9.08.100.
- F. "Recreation facility" means any building or structure, or portion thereof, operated by or under the jurisdiction of the City of Lodi or the City of Lodi Parks and Recreation Department and used for recreation purposes.
- G. "School property" means any building, structure, or property, or portion thereof, operated by or under the jurisdiction of the Lodi Unified School District and used for education or recreation purposes.
- H. "Sign" means a board, placard, or card not less than seventeen inches by twenty-two inches in size with lettering not less than one inch in height, which appear the words, "Stopping, Standing, or Parking Vehicles Prohibited by Law. Vehicles Will be Removed at Owner's Expense. LPD Phone (209) 333-6727," as to stopping, standing, or parking, or upon which appear the words, "Trespassing-Loitering Forbidden by Law," and any time limit that may be specified thereon as to trespassing-loitering.

**9.08.090 Posting—Where permitted.**

Any property within the City may be posted against stopping, standing or parking vehicles on posted property and/or may be posted against trespassing, camping, maintaining an encampment, storing camping paraphernalia, and loitering in the manner provided in Section 9.08.100, and thereby become posted property subject to the provisions of this article. The provisions of this section shall not apply to the following property:

- A. An established and existing right-of-way for public road purposes;
- B. Any property which comes within the provisions of Section 554 of the Penal Code.

**9.08.100 Posting—Method.**

Property may be posted against trespassing, camping, maintaining an encampment, storing camping paraphernalia, and loitering and/or stopping, standing or parking vehicles on posted property in the following manner:

- A. If the property does not contain any lineal dimension exceeding three hundred feet, by posting signs at each corner of the area and at intervals not exceeding one hundred feet and, if such property has a definite entrance or entrances, at each such entrance.

- B. If the property has lineal dimensions exceeding three hundred feet, by posting signs at each corner of the area and at intervals not exceeding two hundred feet and, if such property has a definite entrance or entrances, at each such entrance.

**9.08.110 Prohibited where posted.**

It is unlawful for any person to enter or remain on any posted property without the written permission of the owners, tenant or the occupant in legal possession or control thereof.

**9.08.115 Loitering in certain public places prohibited.**

It is unlawful for any person to willfully enter, remain, camp, maintain camping paraphernalia, or loiter in or about any community center, recreation facility, or school property operated by or under the jurisdiction of the City of Lodi, the Lodi Parks and Recreation Department, or the Lodi Unified School District that has been posted in accordance with this article, when the property or any section or part thereof has been declared closed, whether temporary or at stated intervals, and whether entirely or merely as to certain uses by an authorized employee or representative of such city, department, or school district, as applicable, except when the person is given permission to do so by an authorized employee or representative of such city, department, or school district, while the person is using the facilities of, or is participating in, a planned program at any such community center, recreation facility, or school property.

**9.08.120 Peace officers and public employees exempted.**

The provisions of this article shall not apply to the entry upon posted property in the course of duty of any peace officer or other duly authorized public employee.

**9.08.130 Union activities exempted.**

The provisions of this article shall not apply to any lawful activity by which the public is informed of the existence of an alleged labor dispute.

**9.08.140 Destruction of signs.**

It is unlawful for any person without authority to tear down, deface or destroy any sign posted pursuant to this article.

**9.08.150 Vehicles.**

No person shall stop, park or leave standing such vehicle at any time within or upon any posted property without written permission of the owner, tenant or the occupant in legal possession or control thereof. Vehicles parked in violation of this requirement may be removed at the vehicle owner's expense. Violations of this requirement are deemed to be an infraction.

SECTION 3. The Lodi Municipal Code Section 12.04.010 entitled "Definitions" is hereby repealed and replaced as follows:

#### 12.04.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Applicant" means any person, as defined, that has filed an application to do work or encroach upon a public street or right-of-way as defined in this chapter.
- B. "Camp" or "camping" means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- C. "Camp paraphernalia" means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- D. "Director" means the public works director of the city.
- E. "Encampment" means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.
- F. "Encroach" and "encroachment" mean going upon, over, under or using any right-of-way in such a manner as to prevent, obstruct, damage, or interfere with the normal use of that way or property, and may include the performance thereon of any of the following acts:
  - 1. Excavating or disturbing the right-of-way;
  - 2. Constructing, placing, leaving, erecting or maintaining any post, sign, pole, fence, barricade, guardrail, wall, furniture, goods, equipment, construction material, loading platform or other structure or object on, over, or under the right-of-way;
  - 3. Planting any tree, shrub or other growing thing within the right-of-way;
  - 4. Placing or leaving on the right-of-way any rubbish, brush, earth, or other material of any nature whatever;
  - 5. Constructing, placing, leaving, or maintaining on, over, under or within the right-of way any pathway, sidewalk, driveway, or other surfacing, any culvert or other surface drainage or subsurface drainage facility, or any pipe, conduit, or cable;
  - 6. Traveling on the right-of-way by any vehicle or combination of vehicles or object of dimension, weight or other characteristic prohibited by law without a permit;
  - 7. Lighting or building a fire;
  - 8. Constructing, placing, leaving, planting, camping, maintaining any structure, camp paraphernalia, encampment, or embankment, excavation, tree, or other object adjacent to the right-of-way which causes or will cause an encroachment;  
or
  - 9. Other activities which may impede the normal access to the right-of-way.



- G. "Permittee" means any person(s), as defined, that proposes to do work or encroach upon a public street or right-of-way as defined in this chapter and has been issued a permit for such encroachment by the director. All obligations, responsibilities and other requirements of the permittee, as described in this chapter, shall be binding on subsequent owners of the encroachment.
- H. "Person" means a natural person(s), legal entity, firm, company, corporation, limited liability company, partnership, association, and public agency or organization.
- I. "Public street" means the full width of the right-of-way of any road, street, lane or alley used by or for the general public, whether or not those roads, streets, lanes, and alleys have been accepted as and declared to be part of the city system of public streets, except streets forming a part of the state highway system.
- J. "Right-of-way" means land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for and dedicated to the use of the general public for street or highway purposes, public parks, and public property.
- K. "Sidewalk seating area" means the use of a public sidewalk for the placement of tables, chairs, benches, and related items.

**SECTION 4.** The Lodi Municipal Code Section 12.04.060 entitled "Required" is hereby repealed and replaced as follows:

**12.04.060 Encroachment Permit Required.**

- A. It is unlawful for any person, without first obtaining a written permit, to:
  - 1. Encroach or to make or cause to be made any encroachment of any nature whatever within, upon, over or under the limits of any right-of-way in the incorporated territory of the city; or
  - 2. Make or cause to be made any alteration of any nature within, upon, over or under such right-of-way; or
  - 3. Construct, put upon, maintain or leave on any right-of-way, or to cause to be constructed, put upon, maintained or left thereon, any obstruction or impediment of any nature whatever; or
  - 4. Remove, cut or trim trees on such right-of-way; or
  - 5. Set a fire on such right-of-way; or
  - 6. Place on, over or under such right-of-way any pipeline, conduit or other fixture; or
  - 7. Move over or cause to be moved over the surface of any right-of-way or over any bridge, viaduct or other structure maintained by the city any vehicle or combination of vehicles or other object of dimension or weight prohibited by law or having other characteristics capable of damaging the right-of-way; or
  - 8. Construct, place, leave, erect, or maintain any sign, pole, fence, barricade, guardrail, furniture, goods, equipment, construction material, structure, encampment, camp paraphernalia, wall, culvert or similar encroachment; or
  - 9. Make any excavation or embankment in such a way as to endanger the normal usage of the right-of-way.

- B. Before a vehicle or combination of vehicles or object of weight or dimension or other characteristic prohibited by law without a permit is moved on any right-of-way, a permit to do so must first be granted by the director as set forth in specifications established by the director, or as otherwise required by the director.

SECTION 5. The Lodi Municipal Code Section 12.12.010 entitled “Definitions” is hereby repealed and replaced with the following:

### **12.12.010 Definitions**

For the purpose of this chapter, certain terms, phrases and words are defined as follows:

- A. “Annual” when used to define the term of a Park Permit shall refer to a calendar year.
- B. “Athletic Field” means a piece of land traditionally used for organized athletic or sporting event(s), including the adjoining spectator area.
- C. “Camp” or “camping” means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- D. “Camp paraphernalia” means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- E. “Commercial Activity” means soliciting, selling, hawking, peddling, advertising, promoting or providing any goods, wares, merchandise, services, liquids or edibles for human consumption, distributing circulars, or utilizing Recreational Areas to complete the terms of a sale or provide a service as a result of a sale, or for an activity utilizing Recreational Areas that is conducted by a business, its employees or agents.
- F. “Department” means the Parks, Recreation and Cultural Services Department.
- G. “Director” means the person who holds the title of Parks, Recreation and Cultural Services director in the city.
- H. “Encampment” means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.
- I. “Recreational Area” means any area, including streets and sidewalks, that is publicly owned, controlled or used by the City of Lodi, and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, skateboard parks, amusement parks, and beaches.
- J. “Service Animal” means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability,

including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

- K. "Vehicle" means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term includes any trailer in tow of any size, kind or description. Exception is made for baby carriages or strollers, and vehicles in the service of Recreational Areas.

**SECTION 6.** The Lodi Municipal Code Section 12.12.050 entitled "Entering closed areas" is hereby repealed and replaced with the following:

**12.12.050 Entering closed areas.**

- A. No person shall be present in any Recreational Area during the days and hours that such Recreational Area is designated by the Director as closed. Such days and hours shall be posted on signs at the entrances to such Recreational Area.
- B. Further, no person shall enter or be in an area posted as "Closed to the Public," or any fenced Recreational Area in which the entry gates are locked, nor shall any person use, camp, possess camp paraphernalia, maintain any encampment, aid or abet the use of any such area in violation of this Chapter or the posted notices.

**SECTION 7.** The Lodi Municipal Code Section 12.12.170 entitled "Structures" is hereby repealed and replaced with the following:

**12.12.170 Structures.**

No person in a recreational area shall camp, erect, maintain, use or occupy any tent, encampment, shelter or structure of any kind unless there is an unobstructed view into such tent, shelter or structure from at least three sides; nor shall any guy wire, rope or extension, or exterior brace or support, be connected or fastened from any such structure to any other structure, stake, rock or other object outside of the structure. The Director may issue a written permit to allow the use of structures as set forth in Section 12.16.100. Issuance of a permit is in the sole discretion of the Director subject to appeal to the City Manager as set forth in Section 12.16.150.

**SECTION 8.** The Lodi Municipal Code Section 12.12.255 entitled "Lodi Lake Nature Area—Prohibited activities" is hereby repealed and replaced with the following:

**12.12.255 Lodi Lake Nature Area—Prohibited activities.**

No person shall, within the nature area of Lodi Lake Park:

- A. Ride, walk or operate any bicycle, tricycle, or similar human-powered conveyance, except upon the main trails, as designated by appropriate signs indicating bicycles are permitted. This section shall not apply to any law enforcement or parks department employee while carrying out his or her official duties, or any person with a physical disability;
- B. Conduct or participate in any organized track and field or athletic event, without first obtaining written consent of the Director. As a matter of city policy to prevent overuse

of and damage to the nature area, such consent shall be given only for cross country events and only to those organizations that had conducted cross country events in the nature area during the twelve-month period immediately prior to April 1, 1991. In the event any organization qualifying for cross country events under this section shall fail to conduct a cross country event during any twelve-month period, consent shall be denied thereafter; or

- C. Camp, store camp paraphernalia, or maintain an encampment in or upon any public property in the Lodi Lake Nature Area, open space, waterway, and banks of a waterway, unless specifically authorized by the City Manager.
- D. Violation of (A) or (B) of this section shall be an infraction, but section (C) may be prosecuted as a misdemeanor due to increased fire and public health and safety risk caused from illegal camping activities.

**SECTION 9.** The Lodi Municipal Code Section 12.12.420 entitled "Skate park regulations" is hereby repealed and replaced with the following:

**12.12.420 Skate park regulations.**

The following regulations shall apply to the riding of skateboards, in-line skates, roller skates, or bicycles at, or any other use of, any facility or park owned or operated by the city of Lodi, which has been designated a skate park:

- A. Within the skate park, it shall be unlawful for any person to:
  - 1. Ride, operate, or use a skateboard, roller skates, in-line skates or bicycle unless that person is wearing a helmet designed for skateboarding, roller-skating, in-line skating, and/or bicycle use with a chin strap, elbow pads designed for skateboarding, roller-skating, in-line skating and/or bicycle use with plastic elbow caps, and knee pads designed for bicycle, skateboard and/or in-line skating use with plastic knee caps, which equipment shall be in good repair at all times during use;
  - 2. Ride, operate, utilize a bicycle, skateboard, roller skates, or in-line skates unless such equipment is in good repair at all times during use;
  - 3. Be on or use an individual apparatus within the skate park while another person is using it;
  - 4. Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps) within the skate park;
  - 5. Use the skate park amenities when the surfaces of the amenities are wet or other conditions exist which would adversely affect the safety of bikers, skateboarders, or skaters;
  - 6. Use, operate, or possess any source of amplified music, including but not limited to, stereos, boom boxes, and amplifiers;
  - 7. Enter the concreted portion of skate park unless actively bicycling, skateboarding, or in-line skating in accordance with these regulations;
  - 8. Use, consume, or have within his or her custody or control food, beverages, or tobacco within the concreted portion of the skate park;

9. Use, consume, or have within his or her custody or control alcohol or illegal drugs within the skate park;
  10. Enter the skate park while under the influence of alcoholic beverages or illegal drugs;
  11. Use or possess glass containers, bottles, or other breakable glass products within the skate park;
  12. Use or engage in profanity, reckless and boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying), or any activity which could endanger the safety of persons using the skate park or spectators;
  13. Engage in graffiti, tagging, or other defacing of city property or the properties of others;
  14. Ride, operate, or utilize any device other than a bicycle, skateboard, roller skates, or in-line skates (prohibited devices include, but are not limited to, motor vehicles, motorized skateboards, and motorized skates) within the skate park;
  15. No person shall enter or remain in or upon the skate park premises:
    - a. While closed, as determined by the parks and recreation department, or
    - b. Between the hours of 9:00 p.m. and 10:00 a.m.;
  16. Use or have within his or her custody or control, board wax, within the skate park;
  17. No person shall enter the skate park with any animal; and
  18. No person under the age of twelve shall enter the skate park without being accompanied by a parent or guardian.
  19. No person shall camp, store camp paraphernalia, or maintain an encampment at the skate park.
- B. The skate park shall be posted with signs at the following locations:
1. At the entrance to the skate park; and
  2. On the fences of the skate park, facing the interior of the skate park, and in such places inside the park as determined by the city. The signs shall not be less than two feet by three feet in size and shall use black letters on a white background. The signs may, but shall not be required to, summarize the regulations governing the use of the skate facility. Each sign shall contain, in letters not less than ½ inch in height, the following language:

**WARNING**

**BICYCLING, SKATEBOARDING, AND IN-LINE SKATING ARE HAZARDOUS RECREATION ACTIVITIES. USE OF THIS FACILITY MAY RESULT IN SERIOUS INJURIES OR DEATH. THE CITY OF LODI DOES NOT ASSUME ANY RESPONSIBILITY FOR INJURIES OR DEATH. EACH PERSON ENTERING THE FACILITY ASSUMES ALL RISK OF INJURY OR DEATH. CALIFORNIA HEALTH AND SAFETY CODE § 115800.**

**IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE A BICYCLE, SKATEBOARD, OR IN-LINE SKATES UNLESS THE PERSON IS WEARING A HELMET DESIGNED FOR BICYCLE, SKATEBOARD, AND/OR IN-LINE SKATING WITH A CHIN STRAP, ELBOW PADS DESIGNED FOR BICYCLE, SKATEBOARD, AND/OR IN-LINES**

SKATING USE WITH PLASTIC ELBOW CAPS AND KNEE PADS DESIGNED FOR BICYCLE, SKATEBOARD, AND/OR IN-LINE SKATING USE WITH PLASTIC KNEE CAPS, WHICH EQUIPMENT SHALL BE IN GOOD REPAIR AT ALL TIMES DURING USE. IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE ANY DEVICE OTHER THAN NON-MOTORIZED BICYCLES, NON-MOTORIZED SKATE BOARDS, AND NON-MOTORIZED SKATES. IT IS UNLAWFUL FOR ANY PERSON TO SMOKE, CONSUME ALCOHOLIC BEVERAGES, OR PLAY AMPLIFIED MUSIC WITHIN THE SKATE PARK. USERS UNDER THE AGE OF 12 MUST BE ACCOMPANIED BY A PARENT OR GUARDIAN. ANY PERSON FAILING TO COMPLY WITH THIS SECTION SHALL BE SUBJECT TO CITATIONS AND PENALTIES PURSUANT TO LODI MUNICIPAL CODE SECTION 1.08.010.

SECTION 10. The Lodi Municipal Code Section 12.12.430 entitled "Violations" is hereby repealed and replaced with the following:

**12.12.430 Violations.**

Every act prohibited or declared unlawful and every failure to perform an act made mandatory by this chapter shall be prosecuted as a misdemeanor for violations of subsections (A) (9), (10), (13), (14) and (19) of Section 12.12.420. All other violations shall be prosecuted as an infraction as provided in Section 1.08.010 of this Code.

SECTION 11. The Lodi Municipal Code Chapter 15.52 entitled "Camp Cars and Trailer Camps" is hereby repealed and replaced with the following:

**Chapter 15.52 CAMP CARS AND TRAILER CAMPS**

**Sections:**

**15.52.010 Definitions.**

For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

- A. "Camp" or "camping" means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- B. "Camp car" or "trailer" is any vehicle used for living or sleeping purposes and which is equipped with wheels or similar devices used for the purpose of transporting the unit from place to place, whether by motive power or other means.
- C. "Campground" is any place, area or tract of land upon which is located any camp car or trailer used for living or sleeping purposes.
- D. "Camp paraphernalia" means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- E. "Encampment" means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to

shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.

**15.52.020 Applicability—Conformance.**

The provisions of this Chapter shall be applicable to every campground within the incorporated area of the City, and it is unlawful for any person maintaining, operating, conducting or carrying on any such campground or for any person living or sleeping in any camp car or trailer located in a campground or any other person to illegally camp, store camp paraphernalia, maintain an encampment, or otherwise violate or contribute in any way to the violation of any of the provisions of this Chapter.

**15.52.030 Permit—Required.**

Before building or constructing any campground or any improvements thereon situated or to be situated, the owner or party intending to operate the same shall first apply for and obtain such “special use permit” or other permit from the City Council.

**15.52.040 Permit—Application.**

Each application for a use permit to operate shall be in writing, upon a form provided by the City Council for that purpose. It shall state the name and address of the applicant and a description of the property whereon or wherein it is proposed to conduct a campground. It shall also contain such other information as the City Council may require and it shall be filed by the applicant. It shall be filed with the City Clerk not less than five days nor more than thirty days before the campground is made.

**15.52.050 Permit—Posting.**

It is unlawful for any person to establish, maintain, conduct or carry on an illegal encampment or to operate any campground unless there shall be at all times posted in a conspicuous place at the campground the permit obtained from the City Council in accordance with the provisions of this Chapter.

**15.52.060 Sanitation and maintenance.**

Every person owning or operating a campground shall maintain such campground and any toilets, baths or other permanent equipment in connection therewith in a clean and sanitary condition and shall maintain the equipment in a state of good repair, and it shall be the duty of the operator to comply with all rules and regulations contained in this Chapter governing the operation and maintenance of such campgrounds, and to prevent illegal encampments from occurring on their campground site.

**15.52.070 Layout—Sites.**

Every campground shall be laid out with available unoccupied space of not less than an average of five hundred square feet, but none of which shall be of an area of less than four hundred square feet for each camp car or trailer, and such available unoccupied spaces shall not be construed to include the space within any drive way. No more camping sites shall be allowed for such camping cars or trailers than the number of times five hundred square feet can be divided into the whole camping area of any campground exclusive of the area used for

driveways. All camping spaces shall be designated with a separate number. Camp cars or trailers shall be arranged as near as possible, in rows abutting or facing on a driveway or clear unoccupied space of not less than eighteen feet in width which space shall have unobstructed access to a public street or alley.

**15.52.080 Drainage.**

Every campground shall be located on a well-drained area and the premises of every such campground or any existing campground shall be properly graded so as to prevent the accumulation of storm or casual waters.

**15.52.090 Water supply.**

An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of such campground. Such water supply shall be obtained from faucets only, conveniently located in the campground. No dipping vessels or common cups shall be permitted. No camp car or trailer shall be located more than two hundred feet from a faucet.

**15.52.100 Removal of wheels—Fixing trailer.**

It is unlawful for any person owning or operating a camp car or trailer located in a campground to remove or cause to have removed the wheels or any similar transporting devices from the camp car or trailer or to otherwise permanently fix it to the ground in a manner that would prevent the ready removal of such camp car or trailer. Any such alteration to any camp car or trailer shall be construed as removing it from the requirements of this Chapter and converting it into a dwelling and it shall thereupon be subject to the requirements of the building code of the City and the State Housing Law.

**15.52.110 Dogs at large.**

Dogs at no time shall be permitted to run at large in any campground or to occupy any encampment.

**15.52.120 Water closets—Bathing facilities.**

- A. Flush water closets shall be provided in separate compartments for each sex within a distance of not more than two hundred feet from any camp unit. Not less than one water closet shall be provided for each fifteen persons, or fractional part thereof, of each sex. Such water closets shall be distinctly marked "For men" and "For women" and the location of the water closets plainly indicated by signs. All water closets shall be kept clean, free from obnoxious odor, flies, mosquitoes or other insects, be well lighted and ventilated directly to the outside air.
- B. Shower baths or other bathing facilities with running water shall be provided in separate compartments for every twenty persons, or fractional part thereof, of each sex, within a distance of not more than two hundred feet from any camp unit.
- C. All water closets or compartments containing bathing facilities shall be installed in proper compartments which shall be well lighted, ventilated, disinfected and screened. The floors and walls of such compartments shall be surfaced with impervious materials to a height of at least six feet.



#### **15.52.130 Solid-waste receptacles.**

There shall be provided in every campground such number of tight receptacles with close-fitting metal covers for garbage, refuse, ashes and rubbish as may be required to take care of the same, and such garbage receptacles shall at all times be maintained in a clean and sanitary condition, and such garbage shall be collected in accordance with provisions of this code and other City ordinances.

#### **15.52.140 Slop sinks.**

There shall be provided in every campground one or more slop sinks, properly connected with a sewer or cesspool, such sinks to be conveniently located at no greater distance than one hundred fifty feet from any camp car or trailer.

#### **15.52.150 Sewage disposal.**

It is unlawful to permit any wastewater or material from sinks, baths, showers or other plumbing fixtures in camp cars or trailers to be deposited upon the surface of the ground, and all such fixtures, when in use, must be connected to the city sewer system, or the drainage therefrom must be disposed of in a satisfactory and sanitary manner.

#### **15.52.160 Lighting.**

Every campground shall be provided with means of electrically lighting the same at night, and all water closets and bath units shall be provided with sufficient electric lighting facilities, and all water closets shall be kept lighted during the time from one-half hour after sunset until one-half hour before sunrise.

#### **15.52.170 Living or sleeping in camp cars or trailers.**

It is unlawful to occupy any encampment, camp car or trailer for living or sleeping purposes in the City unless the same is located upon a campground licensed under the provisions of this Chapter; provided, however, that where a residence building is built and used for residence purposes upon any lot within the City, the family or head thereof occupying such residence house may permit any relative or friend of such family to occupy for a term of not to exceed thirty days in the backyard of such lot, but not upon any adjoining or vacant lot, a camp car or trailer for sleeping purposes only, where the same is not prohibited as an auxiliary use under the terms and provisions of the zoning regulations of the City; provided, that no rent shall be charged for the privilege of so maintaining such camp car, trailer or tent in or upon the backyard.

**SECTION 12. Severability.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

**SECTION 13. No Mandatory Duty of Care.** This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 14. No Conflict. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 15. Effective Date and Publication. This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this \_\_\_ day of \_\_\_\_\_, 2024

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Lisa Craig  
Mayor

Attest:

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OLIVIA NASHED, City Clerk  
State of California  
County of San Joaquin

I, Olivia Nashed, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 2024 was introduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_\_, 2024, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2024, by the following vote:

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

I further certify that Ordinance No. 2024 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

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OLIVIA NASHED  
City Clerk

Approved as to Form:

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Katie Lucchesi  
City Attorney

*KL*