

**RESOLUTION NO. 2021-196**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
REPEALING THE LOCAL EMERGENCY ORDER TEMPORARILY  
MODIFYING OPERATIONS OF THE ELK GROVE AQUATICS  
CENTER**

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California as a result of the COVID-19 pandemic; and

**WHEREAS**, on March 13, 2020, the City Manager issued a proclamation that a local emergency exists in the City of Elk Grove and that the COVID-19 pandemic has caused, and will continue to cause, conditions of extreme peril to the safety of persons within the City that are likely to be beyond the control of services, personnel, equipment, and facilities of the City. On March 18, 2020, the Elk Grove City Council ratified the local state of emergency proclamation; and

**WHEREAS**, on March 19, 2020, the Governor issued Executive Order N-33-20 ordering all residents of California to stay at home, unless in the category of essential services; and

**WHEREAS**, on June 19, 2020, the Sacramento County Public Health Officer issued an order relaxing the restrictions on low-risk businesses consistent with direction from the State of California and allowing for the opening of public pools; and

**WHEREAS**, on June 25, 2020, the City Manager, as the local Director of Emergency Services, issued a Local Emergency Order allowing for the opening of the Elk Grove Aquatics Center (EGAC) with additional provisions and restrictions to comply with COVID-19 safety protocols. The Council confirmed the order on July 22, 2020; and

**WHEREAS**, on June 15, 2021, the State of California and Sacramento County Public Health Officer issued a revised order, superseding prior orders, repealing restrictions due to COVID-19. Restrictions repealed include those pertaining to outdoor recreation such as outdoor swimming pools; and

**WHEREAS**, the City Manager as the local Director of Emergency Services, signed a local emergency order on June 18, 2021, repealing the local order dated June 25, 2020, modifying operations at the EGAC. The local order is consistent with direction from the State of California and Sacramento County; and

**WHEREAS**, under the Elk Grove Municipal Code, rules and regulations issued by the City's Director of Emergency Services shall be confirmed by the City Council as early as practicable under the circumstances of the emergency.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elk Grove hereby confirms the Local Emergency Order issued on June 18, 2021, attached hereto as Exhibit A and incorporated herein by reference, repealing the local emergency order dated June 25, 2020, temporarily modifying operations of the Elk Grove Aquatics Center,.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 28<sup>th</sup> day of July 2021




BOBBIE SINGH-ALLEN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
JONATHAN P. HOBBS,  
CITY ATTORNEY

## EXHIBIT A

### LOCAL EMERGENCY ORDER (REPEAL)

Elk Grove Aquatics Center

The Local Emergency Order (Aquatics Center) dated, June 25, 2020, a true and correct copy of which is attached hereto as Exhibit A, is hereby repealed and rescinded as of June 21, 2021.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Elk Grove, its departments, officers, employees, or any other person.

If any provision of this Order to the application thereof to any person or circumstances is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

This Order shall be filed in the City Clerk's Office and given widespread publicity and notice as is reasonably practicable.

Dated: June 18, 2021


By:   
\_\_\_\_\_  
Jason Behrmann  
City Manager/Director of Emergency Services  
City of Elk Grove

EXHIBIT A:

**LOCAL EMERGENCY ORDER**  
**(Elk Grove Aquatic Center)**

Pursuant to the Proclamation of a State of Emergency in California by Governor Gavin Newsom on March 4, 2020 as a result of the COVID-19 pandemic; the City Manager's Proclamation of a Local Emergency dated March 13, 2020, and subsequent ratification by the Elk Grove City Council on March 18, 2020; the Order of the Sacramento County Health Officer dated June 19, 2020; Elk Grove Municipal Code section 9.19.041(A)(6)(a); and Government Code Section 8634, I hereby issue the following Order:

The Elk Grove Aquatic Center (EGAC) may reopen and operate subject to any orders issued by the County of Sacramento Health Officer (who has been designated as the City of Elk Grove Health Officer pursuant to Elk Grove Municipal Code section 6.33.010) and the following additional provisions and restrictions:

- A. Anyone entering the EGAC shall abide by posted safety guidelines which may include, without limitation, temperature checks, face coverings, and social distancing of at least six feet, all as directed by the Community Event Center Manager or designee.
- B. Facility capacity shall be reduced to encourage social distancing, all as directed by the Community Event Center Manager or designee.
- C. Pre-registration for aquatic programming may be required to ensure capacity limitations are adhered to, all as directed by the Community Event Center Manager or designee.
- D. Times of programming may be altered to accommodate cleaning/sanitizing protocols, all as directed by the Community Event Center Manager or designee.
- E. The fee for recreation (open) swim participants shall be revised from \$8 per session per person to \$6 per session per person for participants ages 5 years of age and older, and the fee for recreation (open) swim participants shall be revised from \$5 per session per person to no charge for participants under 5 years of age.
- F. Recreation (open) swim amenities including, without limitation, the water slides, swim accessories, and inflatables may be limited, all as directed by the Community Event Center Manager or designee.
- G. Recreation (open) swim may be limited to no more than two hours per person per session all as directed by the Community Event Center Manager or designee.

H. Deck furniture may be limited and shall be maintained at not less than six feet in separation to ensure social distancing.


Failure of any person to comply with this Order and any order issued by a law enforcement officer pursuant to this Order constitutes an imminent threat to public health.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Elk Grove, its departments, officers, employees, or any other person.

If any provision of this Order to the application thereof to any person or circumstances is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

This Order shall be filed in the City Clerk's Office and given widespread publicity and notice as is reasonably practicable.

Dated: June 25, 2020

By:   
\_\_\_\_\_  
Jason Behrmann  
City Manager/Director  
Emergency Services  
City of Elk Grove

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2021-196**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )       ss  
CITY OF ELK GROVE         )

*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 28, 2021 by the following vote:*

**AYES:**        **COUNCILMEMBERS:** *Singh-Allen, Nguyen, Hume, Spease, Suen*

**NOES:**       **COUNCILMEMBERS:** *None*

**ABSTAIN:**   **COUNCILMEMBERS:** *None*

**ABSENT:**   **COUNCILMEMBERS:** *None*

  
\_\_\_\_\_  
**Jason Lindgren, City Clerk**  
**City of Elk Grove, California**