

**ORDER OF THE DIRECTOR OF EMERGENCY SERVICES
FOR THE CITY OF LIVERMORE
PROVIDING TEMPORARY RELIEF TO THE LIVERMORE VALLEY PERFORMING ARTS
CENTER FROM SPECIFIC OPERATIONAL PROVISIONS IN THE SUBLEASE AND
OPERATING AGREEMENT BY AND BETWEEN THE CITY OF LIVERMORE AND THE
LIVERMORE VALLEY PERFORMING ARTS CENTER**

On March 13, 2020, under the authority contained in California Government Code section 8634 and City of Livermore Municipal Code sections 2.56.050 and 2.56.060, I declared the existence of a local emergency in the City of Livermore due to the COVID-19 outbreak.

On March 16, 2020, the City Council of the City of Livermore adopted a resolution ratifying the proclamation of the existence of a local emergency in the City of Livermore.

On June 8, 2020, the City Council of the City of Livermore extended the local emergency, finding that emergency conditions were still present in the City as a result of the COVID-19 pandemic.

On November 17, 2014, the City of Livermore and the Livermore Valley Performing Arts Center ("LVPAC") entered into a Sublease and Operating Agreement which set forth terms and conditions for operations of the Bankhead Theater ("Agreement").

Article V of the Agreement requires LVPAC to use the Community Theatre for a minimum number of days and to produce performances for the public. Failure to do so results in a default under Article VII of the Agreement.

Due to the COVID-19 pandemic, and the resulting shelter in place restrictions imposed by orders of the State of California and the Health Officer for the County of Alameda, LVPAC has been required to close the Bankhead Theater for all public and private events and cannot meet the minimum performance and use requirements.

In order to provide relief from the default provisions of the Agreement and to ensure that LVPAC remains in good standing under the Agreement during this time, suspension of those minimum requirements are appropriate in light of the current restrictions.

Under California Government Code section 8634 and Livermore Municipal Code section 2.56.060.B.1, I am empowered upon the proclamation of a local emergency to make and issue orders and regulations on matters reasonably related to the protection of life and property as affected by such local emergency. These orders and regulations are to be confirmed by the City Council at the earliest practicable time.

THEREFORE, I, Marc Roberts, as Director of Emergency Services, order the following:

Order re: Temporary Relief to LVPAC

1. The Livermore Valley Performing Arts Center is temporarily relieved of its obligation to meet the minimum performance and usage requirements found in Article V of the Agreement.
2. The default provision found in Article VII at section 7.01(f) of the Agreement is hereby temporarily suspended for the duration of the local emergency related to the COVID-19 pandemic.
3. LVPAC will have up to 90 days after the termination of the local of emergency to resume operations and meet the minimum requirements under Article V of the Agreement.

This Order shall go into effect immediately and be in effect through the period of the local emergency for the City of Livermore unless it is superseded by a duly enacted Ordinance of the City Council of the City of Livermore or a superseding order issued by a duly authorized person or agency. This Order may be extended or supplemented in response to subsequent Executive Orders by the Governor of the State of California on this subject, or orders or ordinances issued or adopted by Alameda County complementing or superseding this Order, or the City Council or the Director of Emergency Services for the City of Livermore.

Dated: 7/20/20



Marc Roberts
Director of Emergency Services