



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Ordinance No. 1810 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Section 2.08.020 Relating to City Council Salaries as Authorized by Government Code Section 36516 (a) (3)"

**MEETING DATE:** April 16, 2008

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1810.

**BACKGROUND INFORMATION:** Ordinance No. 1810 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Section 2.08.020 Relating to City Council Salaries as Authorized by Government Code Section 36516 (a) (3)," was introduced at the regular City Council meeting of April 2, 2008.

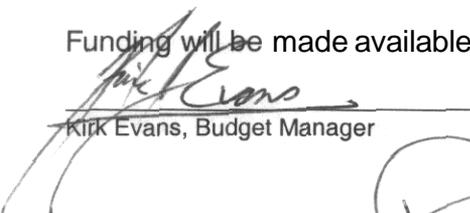
**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36932**

This ordinance has been approved as to form by the City Attorney.

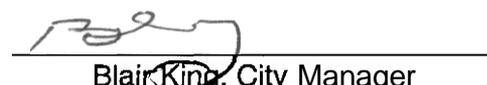
**FISCAL IMPACT:** This will increase the annual cost by \$21,600 upon approval.

**FUNDING AVAILABLE:** Funding will be made available in the 2008-09 budget.

  
Kirk Evans, Budget Manager

  
Randi Johl  
City Clerk

RJ/jmp  
Attachment

**APPROVED:**   
Blair King, City Manager

ORDINANCE NO. 1810

AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF LODI AMENDING LODI MUNICIPAL  
CODE SECTION 2.08.020 RELATING TO CITY  
COUNCIL SALARIES AS AUTHORIZED BY  
GOVERNMENT CODE SECTION 36516 (a) (3)

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WHEREAS, Government Code Section 36516 (a) (3) sets forth that a city council may enact an ordinance providing that each member of the city council receive a salary up to and including five hundred dollars (\$500) per month in cities over 50,000 up to and including 75,000 in population; and

WHEREAS, Government Code Section 36516 (c) states that compensation of council members may be increased beyond the amount by an ordinance or by an amendment to an ordinance but the amount of the increase may not exceed an amount equal to five percent (5%) for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted. No salary ordinance shall be enacted or amended which provides for automatic future increases in salary.

BE IT ORDAINED BY THE LODI CITY COUNCIL:

SECTION 1. Lodi Municipal Code Section 2.08.020 relating to City Council salaries is hereby amended as authorized by Government Code Section 36516 (a) (3) to read as follows:

Each member of the council of the city shall receive, as salary, the sum of eight hundred sixty dollars per month, as prescribed in Government Code Section 36516 (a) (3) in cities over fifty thousand in population, which shall be effective December 3, 2008, and shall be payable from and after the operative date of the ordinance codified in this chapter at the same time and in the same manner as the salaries are paid to other officers and employees of the city.

SECTION 2. No Mandatow 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 towards 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 3. 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 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect December 3, 2008.

Approved this 16<sup>th</sup> day of April, 2008

  
\_\_\_\_\_  
JOANNE MOUNCE  
Mayor

Attest:

  
RANDI JOHL  
City Clerk

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State of California  
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1810 was introduced at a regular meeting of the City Council of the City of Lodi held April 2, 2008, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held April 16, 2008, by the following vote:

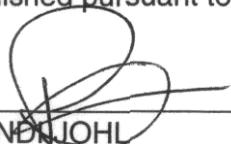
AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, and Katzakian

NOES; COUNCIL MEMBERS – Mayor Mounce

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1810 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
\_\_\_\_\_  
RANDI JOHL  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
D. STEPHEN SCHWABAUER  
City Attorney