



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Ordinance No. 1875 Entitled, "An Ordinance of the City Council of the City of Lodi Rescinding Ordinance No. 1654, Disestablishing the Downtown Lodi Business Improvement Area No. 1 and Discontinuing the Levy of a Special Business Tax Therein"

MEETING DATE: May 1, 2013

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1875.

BACKGROUND INFORMATION: Ordinance No. 1875 entitled, "An Ordinance of the City Council of the City of Lodi Rescinding Ordinance No. 1654, Disestablishing the Downtown Lodi Business Improvement Area No. 1 and Discontinuing the Levy of a Special Business Tax Therein," was introduced at the regular City Council meeting of April 17, 2013.

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 § 36937.**
This ordinance has been approved as to form by the City Attorney.

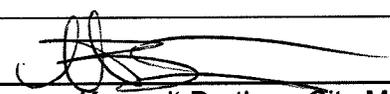
FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.



Randi Johl
City Clerk

RJ/jmr
Attachment

APPROVED: 

Konradt Bartlam, City Manager

ORDINANCE NO. 1875

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
RESCINDING ORDINANCE NO. 1654, DISESTABLISHING THE
DOWNTOWN LODI BUSINESS IMPROVEMENT AREA NO. 1 AND
DISCONTINUING THE LEVY OF A SPECIAL BUSINESS TAX THEREIN

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 12 – Streets, Sidewalks and Public Places – is hereby amended by repealing Chapter 12.06, “Downtown Lodi Business Improvement Area No. 1” in its entirety, and hereby declares and determines as follows:

- (a) Pursuant to Streets and Highways Code of the State of California, Sections 36000 et seq., and Chapter 12.06 of the Lodi Municipal Code, this Council heretofore adopted its Resolution of Intention entitled “Resolution of the Lodi City Council Declaring its Intention to Rescind Ordinance No. 1654, to Disestablish the Downtown Lodi Business Improvement Area No. 1 (DLBP No. 1)”; and discontinue the levy of special business tax therein and setting the time and place of hearing thereon, and caused said resolution to be duly published and mailed as provided by law.
- (b) A public hearing concerning the disestablishment of DLBP No. 1 and discontinuance of the levy of special business tax therein was held on the 17th day of April, 2013, at 7:00 p.m., in the City Council Chambers, 305 West Pine Street, Lodi, California. At said time and place, all written and oral protests made or filed were duly heard, evidence for and against the proposed action was received, and a full, fair, and complete hearing was granted and held. All protests were duly overruled, and it was determined by this Council that there was no majority protest under Streets and Highways Code Section 36023.
- (c) The public interest, convenience, and necessity require the disestablishment of all areas and zones of Downtown Lodi Business Improvement Area No. 1, and the discontinuance of the levy of special business tax therein.
- (d) Distribution of DLBP Assets:
 - 1) Downtown Banners and Associated Fixtures: Donated to Visit Lodi! for continuation of banner program.
 - 2) Farmers Market and Parade of Lights Assets: Donated to Lodi Chamber of Commerce for continuation of Farmers Market and Light Parade.
 - 3) Unsold Office furniture and equipment: Donated to any Lodi 501(c)(3) of Board's choice.
 - 4) Remaining assets: Liquidated to cash and distributed to DLBP assesseees who are current on their assessment pro rata in proportion to their 2013 assessment payment.
- (e) Ordinance No. 1654 is hereby rescinded concurrently with the effective date of this ordinance.

SECTION 2. 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 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. Non-Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall invalidate the entire ordinance. To this end, the provisions of this ordinance are not severable. The City Council hereby declares that it would not have adopted this ordinance if any portion thereof is determined to be invalid.

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 30 days from and after its passage and approval.

Approved this 1st day of May, 2013.



ALAN NAKANISHI
Mayor

Attest: 

RANDI JOHL, City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1875 was introduced at a regular meeting of the City Council of the City of Lodi held April 17, 2013, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held May 1, 2013, by the following vote:

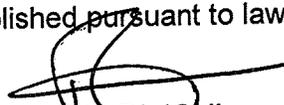
AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Mounce, and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

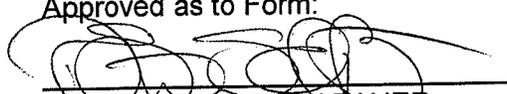
ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1875 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