



**CITY OF LODI  
COUNCIL COMMUNICATION**

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**AGENDA TITLE:** Ordinance No. 1876 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20 – Electrical Service – by Adding Section 13.20.330, "Schedule IE – Industrial Equipment Pilot Charging Service Rate"

**MEETING DATE:** May 15, 2013

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1876.

**BACKGROUND INFORMATION:** Ordinance No. 1876 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20 – Electrical Service – by Adding Section 13.20.330, "Schedule IE – Industrial Equipment Pilot Charging Service Rate," was introduced at the regular City Council meeting of May 1, 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.

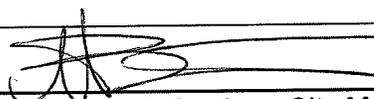
**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

  
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Randi Johi  
City Clerk

RJ/jmr  
Attachment

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**APPROVED:**   
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Konradt Bartlam, City Manager

ORDINANCE NO. 1876

AN ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING LODI MUNICIPAL CODE CHAPTER 13.20 –  
ELECTRICAL SERVICE – BY ADDING SECTION  
13.20.330, “SCHEDULE IE – INDUSTRIAL EQUIPMENT  
PILOT CHARGING SERVICE RATE”

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 13.20.330, “Schedule IE – Industrial Equipment Charging Service,” is hereby added to read as follows:

**APPLICABILITY:**

This schedule is applicable to all single-phase or three-phase commercial and industrial customers separately metered by the City of Lodi. This schedule shall only be available to customers who purchase and install a separate electric meter dedicated to charging rechargeable battery industrial equipment (“IE Meter”).

The minimum charge is \$5.00. Between the hours of 10:00 p.m. to 6:00 a.m. Monday through Friday (including City observed holidays and weekends) the charge for a meter dedicated exclusively to charging rechargeable battery industrial equipment shall be a flat rate of \$0.10427/kWh plus the ECA set forth in Section 13.20.175 of this Code (“ECA”). At all other times, the charge shall be a flat rate of \$0.33000/kWh plus the ECA.

This Schedule IE may not be combined with any other electric rate or rate discount on the IE meter and all surcharges, including, but not limited to the California Energy Commission fee, solar surcharge, public benefits charge, state energy tax, and other assessments or charges after the date of this rate schedule shall be in addition to this rate schedule.

The Rate Schedule referenced above shall be effective on applicable electric utility billings prepared by the City of Lodi on or after July 1, 2013, and said utility rate discounts shall expire on June 30, 2015.

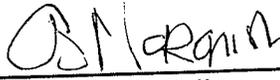
SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

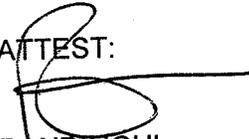
SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, 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 pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this 15<sup>th</sup> 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. 1876 was introduced at a regular meeting of the City Council of the City of Lodi held May 1, 2013, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held May 15, 2013, by the following vote:

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

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Johnson

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1876 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 to Form:

  
D. STEPHEN SCHWABAUER  
City Attorney