



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Ordinance No. 1880 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20 – Electrical Service – by Repealing and Reenacting Section 13.20.300, 'Schedule SS – Standby Service,' in Its Entirety"

MEETING DATE: August 7, 2013

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1880.

BACKGROUND INFORMATION: Ordinance No. 1880 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20 – Electrical Service – by Repealing and Reenacting Section 13.20.300, 'Schedule SS – Standby Service,' in Its Entirety," was introduced at the regular City Council meeting of July 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-Olson
City Clerk

RJO/jmr
Attachment

APPROVED: _____

Konradt Bartlam, City Manager

ORDINANCE NO. 1880

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE CHAPTER 13.20 –
ELECTRICAL SERVICE – BY REPEALING AND
REENACTING SECTION 13.20.300, “SCHEDULE SS –
STANDBY SERVICE,” IN ITS ENTIRETY

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 13.20.300, “Schedule SS – Standby Service,” is hereby repealed and reenacted in its entirety to read as follows:

APPLICABILITY:

This schedule is applicable to commercial/industrial customers who would otherwise qualify for Schedule G2, G3, G4, G5, or I1 and who have privately-owned generating facilities with a combined nameplate rating greater than 1 megawatt (1 MW) on their premises and where the City must stand ready to supply electric service to replace such a facility. This schedule will apply in addition to any other schedule applicable to the customer of record; any multiple generation facilities for one customer of record will be under one contract.

SERVICE BY CONTRACT:

Service under this schedule shall be provided on a contract basis to commercial/industrial customers who have privately-owned generating facilities on their premises. Contracts shall be subject to terms approved by the City Council and shall obligate the customer to pay the City for its costs associated with providing standby service for the actual life of the privately-owned generating facilities and for three months following written notice to the City of Lodi Electric Utility of the removal of the privately-owned generating facilities from operation.

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 7th day of August, 2013



ALAN NAKANISHI
MAYOR

ATTEST:



RANDI JOHL-OLSON
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl-Olson, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1880 was introduced at a regular meeting of the City Council of the City of Lodi held July 17, 2013, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held August 7, 2013, by the following vote:

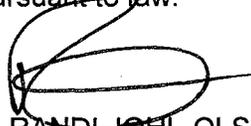
AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Mounce,
and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1880 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



RANDI JOHL-OLSON
City Clerk

Approved to Form:



D. STEPHEN SCHWABAUER
City Attorney