



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Ordinance No. 1884 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 2.04 – City Council Meetings – by Repealing and Reenacting Sections 2.04.130, 'Addressing the Council,' and 2.04.150, 'Decorum,' in Their Entirety"

MEETING DATE: October 16, 2013

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1884.

BACKGROUND INFORMATION: Ordinance No. 1884 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 2.04 – City Council Meetings – by Repealing and Reenacting Sections 2.04.130, 'Addressing the Council,' and 2.04.150, 'Decorum,' in Their Entirety," was introduced at the regular City Council meeting of October 2, 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.

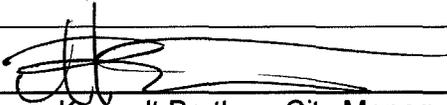
FUNDING AVAILABLE: None required.



Randi Johi-Olson
City Clerk

RJO/jmr
Attachment

APPROVED: _____


Konrad Bartlam, City Manager

ORDINANCE NO. 1884

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE CHAPTER 2.04 – CITY COUNCIL
MEETINGS – BY REPEALING AND REENACTING SECTIONS
2.04.130, “ADDRESSING THE COUNCIL,” AND 2.04.150,
“DECORUM,” IN THEIR ENTIRETY

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 2.04.130, “Addressing the Council,” is hereby repealed and reenacted to read as follows:

2.04.130 - Addressing the Council.

- A. Any interested person may, subject to the rules of procedure adopted hereunder, speak on any item coming before the council. It shall not be required that persons wishing to speak give prior written notice, but priority shall be given to those who have so notified the city clerk in advance.
- B. After a motion is made and seconded, no person shall address the city council without first securing permission of the council to do so.
- C. Remarks by the public shall be made only from the podium. Speakers are requested but not required to first give their names and addresses for the record. No one shall be permitted to enter into any discussion without permission of the presiding officer.

SECTION 2. Lodi Municipal Code Section 2.04.150, “Addressing the Council,” is hereby repealed and reenacted to read as follows:

2.04.150 - Decorum.

- A. Council Members. While the council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council nor disturb any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise provided by this chapter. Any member who, after warning by the chair, repeatedly violates these rules may be ejected for the remainder of the meeting by two-thirds vote of the council.
- B. Other Persons. Any person who utters language or engages in conduct that disrupts, disturbs or otherwise impedes the orderly conduct of any council meeting shall be forthwith, by the presiding officer, barred from further audience at the meeting before the council, unless permission to continue is granted by a majority vote of the council.
- C. Any violation of this section may be punished as an infraction pursuant to Section 1.08.010 of this code.

SECTION 3. 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.

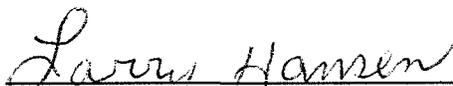
SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, 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 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this 16th day of October, 2013


LARRY HANSEN
COUNCIL MEMBER

ATTEST:

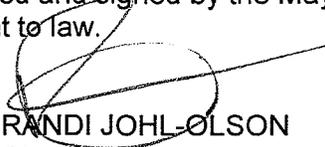

RANDI JOHL-OLSON
City Clerk

State of California
County of San Joaquin, ss.

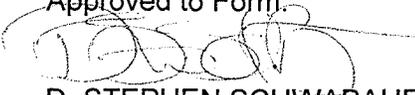
I, Randi Johl-Olson, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1884 was introduced at a regular meeting of the City Council of the City of Lodi held October 2, 2013, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held October 16, 2013, by the following vote:

- AYES: COUNCIL MEMBERS – Hansen, Johnson, and Mounce
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – Katakian and Mayor Nakanishi
- ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1884 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