

ORDINANCE NO. 1842

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE CHAPTER 2.44 – PERSONNEL
SYSTEM – BY REPEALING AND RE-ENACTING SECTIONS 2.44.070,
“COMPOSITION OF BOARD-VACANCIES,” AND 2.44.100, “HEARING
OF APPEALS,” RELATING TO EXPANDING BOARD MEMBERSHIP
FROM THREE TO FIVE AND MAKING BOARD DECISIONS ADVISORY
TO THE CITY MANAGER

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

Section 1. Lodi Municipal Code Section 2.44.070, “Composition of Board – Vacancies,” is hereby repealed and reenacted and shall read as follows:

2.44.070 Composition of Board – Vacancies

The personnel board of review created under this article shall consist of five members to be appointed by the City Council. Vacancies on the personnel board, from whatsoever cause, shall be filled by appointment by the City Council. Three of the five members shall constitute a quorum and may conduct business.

Section 2. Lodi Municipal Code Section 2.44.100, “Hearing of Appeals,” is hereby repealed and reenacted and shall read as follows:

2.44.100 Hearing of Appeals

A. As provided in this article, by rule adopted hereunder or by memoranda of understanding between the city and employees’ bargaining units, the board shall hear appeals by any person in the classified service relative to any situation involving the employees’ status or conditions of employment, including disciplinary matters.

B. Unless provisions to the contrary contained in any memoranda of understanding or pertinent law require otherwise, the findings and actions of the board are deemed advisory only to the City Manager. If memoranda of understanding or law provide differently, then such findings or actions shall be deemed final action by the City and reviewable under administrative mandamus provisions of state law.

Section 3. 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. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

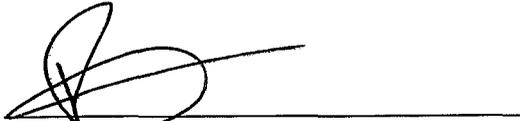
Section 5. This ordinance shall be published one time in the “Lodi News Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 17th day of November, 2010.



PHIL KATZAKIAN
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. 1842 was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 17, 2010, by the following vote:

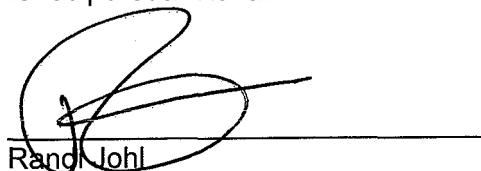
AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce,
and Mayor Katzakian

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

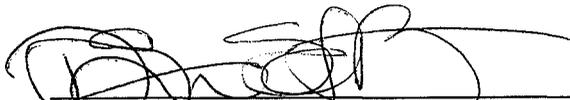
ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1842 was approved and signed by the Mayor of 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