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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1802 Entitled, “An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Adding Section 13.20.185, ‘Section CSS – California Solar Initiative Surcharge’”

MEETING DATE: October 3, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1802.

BACKGROUND INFORMATION: Ordinance No. 1802 entitled, “An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Adding Section 13.20.185, ‘Section CSS – California Solar Initiative Surcharge,’” was introduced at the regular City Council meeting of September 19, 2007.

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/jmp

Attachment

APPROVED: _____
Blair King, City Manager

ORDINANCE NO. 1802

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LODI AMENDING LODI MUNICIPAL CODE TITLE 13 – PUBLIC
SERVICES – ADDING SECTION 13.20.185, “SECTION CSS –
CALIFORNIA SOLAR INITIATIVE SURCHARGE”

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

SECTION 1. Lodi Municipal Code Title 13 – Public Services – is hereby amended by adding Section 13.20.185, “Schedule CSS – California Solar Initiative Surcharge,” to read as follows:

APPLICABILITY:

This schedule is applicable to all electric customers served by the City of Lodi. Each customer shall pay the applicable rate(s) plus the California Solar Initiative Surcharge (CSS) for each kilowatt-hour (kWh) delivered to the customer.

The CSS shall fund incentives for customers participating in the Lodi Solar Rebate Pilot Program. California Senate Bill 1 (SB 1) mandates that all electric utilities offer a solar photovoltaic program that provides incentives to support the development and installation of solar systems throughout their given service territory. Based upon SB 1 funding requirements, Lodi Electric Utility shall make available approximately \$600,000 annually between the years 2008 – 2017.

RATES:

Effective on all bills rendered on or after January 1, 2008 until December 31, 2017, a surcharge per kilowatt-hour (kWh) will be applied to all kWh sold. The CSS shall be applied to all kWh sold and will be non-discounted.

The surcharge amount of \$0.00125 will be applied to all kWh consumed by each customer in all rate classes.

All funds collected under this surcharge will be placed in an account solely for the purpose of implementing the Lodi Solar Rebate Pilot Program.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

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. 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 take effect 30 days from and after its passage and approval.

Approved this 3rd day of October, 2007

BOB JOHNSON
Mayor

Attest:

RANDI JOHL
City Clerk

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State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1802 was introduced at a regular meeting of the City Council of the City of Lodi held September 19, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held October 3, 2007, by the following vote:

AYES: COUNCIL MEMBERS –
NOES; COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1802 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