



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: December 2, 2015

Time: 7:00 p.m.

For information regarding this Agenda please contact:

Jennifer M. Ferraiolo

City Clerk

Telephone: (209) 333-6702

6:55 p.m. Invocation/Call to Civic Responsibility. Invocations/Calls may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. These are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

C-1 Call to Order / Roll Call – N/A

C-2 Announcement of Closed Session – N/A

C-3 Adjourn to Closed Session – N/A

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action – N/A

A. Call to Order / Roll Call

B. Presentations

B-1 Presentation to Retiring Members of Boards, Committees, Commissions, and Task Forces (CLK)

B-2 Presentation of Mayor's Community Service Award (CLK)

C. Consent Calendar (Reading; Comments by the Public; Council Action)

C-1 Receive Register of Claims in the Amount of \$3,435,073.31 (FIN)

C-2 Approve Minutes (CLK)

a) November 17, 2015 (Shirtsleeve Session)

D. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

E. Comments by the City Council Members on Non-Agenda Items

F. Comments by the City Manager on Non-Agenda Items

G. Public Hearings – None

H. Communications – None

I. Regular Calendar

Res. I-1 Adopt Resolution Adjusting City Attorney Compensation

Res. I-2 Adopt Resolution Adjusting City Clerk Compensation

J. Ordinances

Ord. J-1 Ordinance No. 1918 Entitled, "An Ordinance of the Lodi City Council Levying and Apportioning a
(Adopt) Special Tax in Zone 1 of the City of Lodi Community Facilities District No. 2007-1 (Public Services)
as Provided in Resolution No. 2015-89" (CLK)

K. Reorganization of the City Council

K-1 Presentation to Outgoing Mayor

K-2 Reorganization of the Lodi City Council

Res. a) Election of Mayor

Res. b) Election of Mayor Pro Tempore

L. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Jennifer M. Ferraiolo
City Clerk

All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Jennifer M. Ferraiolo at (209) 333-6702. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Jennifer M. Ferraiolo (209) 333-6702.

Meetings of the Lodi City Council are telecast on SJTV, Channel 26. The City of Lodi provides live and archived webcasts of regular City Council meetings. The webcasts can be found on the City's website at www.lodi.gov by clicking the meeting webcasts link.



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Presentation to Retiring Members of Boards, Committees, Commissions, and Task Forces
MEETING DATE: December 2, 2015
PREPARED BY: City Clerk

RECOMMENDED ACTION: Mayor Johnson to present certificates of recognition to retiring members of boards, committees, commissions, and task forces.

BACKGROUND INFORMATION: Each year, the City extends its appreciation to citizens who generously volunteer their time and talents toward serving their community by recognizing those who retired during the past year. Mayor Johnson will present Certificates of Recognition to the following retirees:

Greater Lodi Area Youth Commission

Student Appointees:

Daniel Anaforian 2013 – 2015
Josh Baumbach 2013 – 2015
Simaron Dhillon 2013 – 2015
Madison Litton 2012 – 2015
Andrew Moton 2013 – 2015
Ryan Ozminkowski 2014 – 2015

Adult Advisors:

Cynthia Rodriguez 2012 – 2015

Lodi Arts Commission

Nancy Carey 2005 – 2015

Recreation Commission

David Akin 2004 – 2015
Rick Morgan 2011 – 2015
Barbara Wardrobe-Fox 2005 – 2015

Senior Citizens Commission

Susan Cook 2011 – 2015
Mark Sey 2009 – 2015

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

JMF/PMF

APPROVED: _____
Stephen Schwabauer, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation of Mayor's Community Service Award

MEETING DATE: December 2, 2015

PREPARED BY: City Clerk

RECOMMENDED ACTION: Mayor Johnson to present the Mayor's Community Service Award to Mr. John Ledbetter, Mr. Fred Weybret, and Mr. Marty Weybret.

BACKGROUND INFORMATION: Mayor Johnson has selected Mr. John Ledbetter, Mr. Fred Weybret, and Mr. Marty Weybret to receive the prestigious Mayor's Community Service Award for 2015. Mr. Ledbetter and the Weybrets will be at the meeting to accept the awards.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

JMF/PMF

APPROVED: _____
Stephen Schwabauer, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims through November 12, 2015 in the total amount of \$3,435,073.31

MEETING DATE: December 2, 2015

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$3,435,073.31

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$3,435,073.31 through 11/12/15. Also attached is Payroll in the amount of \$1,419,051.77

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste
Financial Services Manager

RRP/mlm

Attachments

APPROVED: _____
Stephen Schwabauer, City Manager

Council Report

City of Lodi, CA - v10.5 Live

10/30/2015 through 11/12/2015

Fund			Amount
100 - General Fund			2,167,568.07
120 - Library Fund			921.11
140 - Expendable Trust			71,379.86
200 - Parks Rec & Cultural Services			40,401.11
270 - Comm Dev Special Rev Fund			23,559.06
301 - Gas Tax-2105 2106 2107			24,840.06
302 - Gas Tax -2103			87,419.90
303 - Measure K Funds			9,501.36
307 - Federal - Streets			1,384.48
350 - H U D			916.37
403 - Vehicle Replacement Fund - PD			108,786.56
431 - Capital Outlay/General Fund			35,777.61
432 - Parks & Rec Capital			2,160.00
437 - IMF Parks & Rec Facilities			7,540.00
500 - Electric Utility Fund			48,920.27
501 - Utility Outlay Reserve Fund			100,127.51
504 - Public Benefits Fund			143,641.65
506 - Solar Surcharge Fund			120,000.00
508 - Environmental Compliance			3,108.96
530 - Waste Water Utility Fund			112,118.88
531 - Waste Wtr Util-Capital Outlay			171,369.73
560 - Water Utility Fund			66,848.17
561 - Water Utility-Capital Outlay			27,649.47
565 - PCE/TCE Rate Abatement Fund			3,315.06
590 - Central Plume			11,610.02
600 - Dial-a-Ride/Transportation			6,791.47
650 - Internal Service/Equip Maint			18,219.47
655 - Employee Benefits			3,175.85
660 - General Liabilities			4,455.00
665 - Worker's Comp Insurance			51.45
801 - L&L Dist Z1-Almond Estates			11,514.80
Total			3,435,073.31

Council Report: Payroll
City of Lodi, CA - v10.5 Live
Pay Period 10/25/2015

Fund	Description	Amount
100	General Fund	845,011.16
120	Library Fund	21,477.11
200	Parks Rec & Cultural Services	100,353.68
219	LPD-ABC Grant	267.45
270	Comm Dev Special Rev Fund	30,734.33
301	Gas Tax-2105 2106 2107	39,119.14
500	Electric Utility Fund	182,915.98
530	Waste Water Utility Fund	142,178.69
560	Water Utility Fund	29,458.87
600	Dial-a-Ride/Transportation	8,868.86
650	Internal Service/Equip Maint	18,666.50
Report Total		1,419,051.77



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) November 17, 2015 (Shirtsleeve Session)

MEETING DATE: December 2, 2015

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) November 17, 2015 (Shirtsleeve Session)

BACKGROUND INFORMATION: Attached is a copy of the subject minutes marked Exhibit A.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

Attachments

APPROVED: _____
Stephen Schwabauer, City Manager

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, NOVEMBER 17, 2015**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, November 17, 2015, commencing at 7:00 a.m.

Present: Council Member Kuehne, Council Member Mounce, Council Member Nakanishi, and Mayor Johnson

Absent: Mayor Pro Tempore Chandler

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

NOTE: Council Member Nakanishi arrived at 7:03 a.m.

B. Topic(s)

B-1 Receive Information Regarding Utility Late Fees and Collections Timeline (CM)

Deputy City Manager Jordan Ayers provided a PowerPoint presentation regarding late charges and collections timeline. Specific topics of discussion included late charge history, late charge revenue, late charge composition, bad debt write off, shut-off timeline, current timeline, late fees from other utilities, and timelines from other utilities.

In response to Council Member Mounce, Mr. Ayers stated the data on the late charge composition for low-income individuals was not geographic based; it was compiled from the list of customers on the low-income discount program through the utility system. In further response, Mr. Ayers stated the financial system contains no information on a customer's income; therefore, it would be difficult to calculate the percentage of late charges for individuals who earn lower incomes. The only metric for calculation purposes is the list of those receiving the discount. The utility account includes a billing address, but not a flag on the account to indicate a specific geographic area. He stated obtaining that information would be a one-by-one review of each account; the new Tyler system is also not programmed to flag accounts; and the current staffing level could not handle the increased workload this would generate.

Mayor Johnson suggested it may be feasible as a starting point to research the geographical data for the 549 accounts that were charged the maximum \$25 late fee during 2014/15. Mr. Ayers stated those particular accounts have been identified and could be researched more practically than the 8,565 individuals who receive the low-income discount.

Council Member Mounce questioned the rationale behind the former Electric Utility Director's decision to forego sending unpaid accounts to collections, to which staff responded they could not suppose what his reasoning was. Mr. Ayers stated, as soon as he learned of the situation, he made certain the unpaid accounts, including those reaching the statutory limits, were forwarded to the collection agency for follow up, which is why there was no bad debt write off in 2008 and 2009 but a significant write off in 2010. The average of the 2010 write off is half a million dollars for each of the three years, which follows the same path as the other years. Mr. Ayers pointed out that longer collection cycles typically increase the amount of bad debt, while in turn make it more difficult for customers to pay their bills in total because of the difficulty in catching up with the monthly payments.

Council Member Mounce stated she would like to know what the cost of service is for collections, implementing late fees, and Internal Services functions versus what is collected in late fees and written off as bad debt. She believed this figure should be a wash because late fees are charged

to cover the cost of services provided, as well as the bad debt write off; however, the City collects much more than that. Mr. Ayers stated the following assumptions were made based on time spent on each customer that receives a late fee or notice: 1) 40 percent of customers at 15 minutes per person equates to \$650,000 of time and material costs or 2) 50 percent of customers at 20 minutes per person equates to slightly over \$1 million. When factoring in the late fee revenue versus the cost of service, which is \$1.2 million, it is not far off the mark; however, when factoring in the bad debt, the City is not collecting enough to cover both. Council Member Mounce pointed out staff is already there assisting customers at the counter and on the phone and it seemed unrealistic to associate a specific task in calculating the cost of service; the cost of labor should be equally balanced. City Manager Schwabauer stated the Finance Department is rationally staffed and driven by workload; the Department does not see much downtime in the course of a year; and there would be fewer Finance employees if there was less bad debt.

In response to Council Member Nakanishi, Mr. Ayers confirmed the number of Customer Service Representatives has not changed in a number of years. Council Member Nakanishi pointed out the ordinance was changed previously to obtain control over the increasing bad debt situation and he agreed the changes were necessary, but he believed the ordinance should undergo minor adjustments to address the concerns of citizens who are having a difficult time meeting the tight timeline.

Council Member Mounce requested the City Clerk verify the Council vote on the adoption of the ordinance that sets forth the current billing cycle and timelines. She stated she believed the timeline should be lengthened to give customers enough time to pay their bill within their paycheck cycles.

Mayor Johnson questioned if there was way to determine how many of those who were charged late fees were repeat offenders. In analyzing the late charge composition, Mr. Ayers stated approximately 2,500 utilities were shut off during the year and estimated that roughly 1,600 instances were a one-time event. Mr. Ayers provided the following statistics: 335 accounts were shut off twice; 87 were shut off three times; 16 accounts were shut off four times; four were shut off five times; and one account was shut off six times.

Mr. Ayers explained, when an account is shut off for non-payment, the customer is asked to pay the entire bill, which typically covers two months. In addition, a deposit may be required as a one-time payment or billed over a period of time if requested, as well as a reconnect fee if necessary, which is waived if it was charged in error.

In response to Mayor Johnson, Mr. Ayers explained a budget billing program is available for low-income individuals who have had an account with the City for at least one year. An average bill is determined based on historical usage and a 1 to 2 percent cushion is factored in, which is then divided by 12 months. That becomes the monthly payment irrespective of actual usage. There is a true-up period at the end of the year to determine if the actual amount paid was less or more than actual usage. As the program currently works, that amount is either rolled forward to the next budget billing cycle or applied to the bill if the customer decides to cancel the program. Because this can sometimes cause a significant payment during the true-up month, staff is looking to change the program in the new Tyler system to automatically roll the true up into the next budget cycle by adjusting the monthly payment in order to ease the burden.

Council Member Kuehne explained he had a recent situation in which his power was turned off because of a \$79 outstanding balance; however, he was required to pay the late amount, which was equivalent to the outstanding wastewater charge; the \$25 late fee; a \$500 deposit; a \$75 reconnect fee; and the next month's balance for a total of \$1,038. He stated he believed that was exorbitant for a small past-due amount. Mr. Ayers pointed out the City bill is a single, total combined bill and the utilities are not broken into components that can be paid separately. In response to Mr. Ayers, Council Member Kuehne stated he would recommend changing the current ordinance to include a grace period for those who make a partial payment of their bill. Mr. Ayers explained, in the case of a disconnect, the goal is to get the customer to a zero balance. If not, the customer will be in a similar situation in less than a month. If a customer opts to only pay the past-due amount, the current bill is due within the next 10 days or it will also

become delinquent. In response to Council Member Kuehne, Mr. Ayers stated staff internally changed the policy to accept personal checks with regard to the deposit; however, in a shut-off situation, only guaranteed money, such as cash, money order, cashier's check, or credit card, will be accepted. Council Member Kuehne stated staff did not offer him a credit card option, to which Mr. Ayers stated he would look into it.

In response to Council Member Nakanishi, Mr. Ayers stated a personal check is acceptable for regular payments and for deposits, but checks can take a week or two to process and, if they bounce, customers can continue receiving power despite their non-payment status. Council Member Nakanishi suggested a trial period for one year of accepting personal checks for all types of utility payments, including shut-off payments.

Council Member Kuehne expressed the importance of quality customer service, stating checks should be acceptable and customers should be told about all forms of acceptable payments and payment options. He reiterated his suggestion that the ordinance be amended to differentiate partial payments from non-payments, stating partial payments should not trigger shut off of power.

Mayor Johnson questioned if Council Member Kuehne's concept allows for an adjustment for repeat offenders because customers are unlikely to catch up on their bills with partial payments. Council Member Kuehne stated staff should be able to determine who is a good customer and who is a repeat offender based on payment history, which should also determine whether or not a deposit is necessary.

Council Member Mounce suggested a late fee similar to SMUD's of 1.5 percent of the bill versus a fixed fee. Mr. Ayers pointed out any adjustments to the late fees will have an affect on general fund revenue and any reduction in revenue would require either an additional revenue source or an increase in service charges to the electric utility. Council Member Mounce stated another option is to cut costs elsewhere, to which Mr. Ayers agreed and explained the average cost of a fully-loaded employee is \$100,000 and a reduction in revenue of the same amount equates to one employee.

In response to Council Member Mounce, Mr. Ayers stated each jurisdiction has a different noticing schedule, but most have the 10-day shut-off requirement.

Council Member Kuehne stated he agreed with the late fees as long as it did not generate a profit for the City. He further stated if SMUD and PG&E can operate their utilities for less, the City should consider doing so as well. Mr. Ayers pointed out SMUD has over 300,000 accounts and, because of the volume, the 1.5 percent late fee generates much higher total dollars.

Council Member Nakanishi stated he was amenable to the late charge amounts, but he believed the late fees should be stretched in order to give customers more time to plan their payments by extending the late fee date and allowing for a longer shut-off period.

City Manager Schwabauer stated staff would discuss Council's comments and return with a recommendation.

Council Member Mounce stated she would prefer to return to the previous timeline with a minor amendment to the first past-due date - 45 days, 60 days, and 90 days versus the original timeline of 30, 60, and 90 days - and fees of \$5, \$10, and \$25 versus the current fees of \$10, \$15, and \$25. This would give customers a longer time before being assessed a smaller late fee.

Lorinda Jonard stated she believed there should be a greater grace period for utility bills and complained Lodi charges a deposit and reconnection fee on top of late fees to reconnect power after it has been shut off for non-payment. She stated many customers cannot afford the exorbitant cost to reconnect utilities and suggested the billing cycle and timeline be extended.

Ruben Hernandez suggested the City bill be separated into the various utility components, thereby giving customers the option to pay a specific service or the highest portion of the bill,

i.e. electric, water, wastewater, and refuse, and giving the City the option to shut off a specific service for non-payment.

Mike Lusk requested Council adopt an ordinance that would require the fees for services and penalties to be returned to the individual utility rather than deposited into the general fund. He believed there was co-mingling of revenue streams and the money should be returned to the utility for rate payers to reduce the utility rates.

In response to Council Member Mounce, Mr. Ayers stated the cost allocation plan ties into the cost of service that is charged back to the utilities and further explained the cost of service charged to the utilities is reduced by the amount of the late fees.

In response to Council Member Kuehne, Mr. Ayers stated it is conceivable for a customer to continue to accumulate late charges after their electricity has been turned off because they may continue to occupy the residence and receive water and wastewater service.

Council Member Kuehne stated he is amenable to extending the timeframe to 30 days, 50 days, and shut off after 60 days to give customers a little more time. In response to Council Member Mounce, Council Member Kuehne stated he would be open to making the first past-due date 45 days. Council Member Kuehne expanded on his earlier comment regarding partial payments, suggesting if a partial payment covers the full cost of electricity, the power should not be shut off for non-payment of the entire bill.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:14 a.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Adjusting City Attorney Compensation

MEETING DATE: December 2, 2015

PREPARED BY: Mayor

RECOMMENDED ACTION: Adopt resolution adjusting City Attorney compensation.

BACKGROUND INFORMATION: The City Attorney was appointed on June 4, 2014 with a base salary of \$140,000 per year. Since that time, the position has received a cost of living adjustment of three percent along with other City employees, bringing the base pay for the position to \$144,200. On average, members of Lodi's Executive Management Team are 11.01 percent under market according to a recent salary survey. The City Attorney position is the furthest from market of any position on the Executive Management Team at 25.97 percent below the average pay of City Attorneys in comparison cities. Council desires to increase the base pay of the position 9.5 percent; bringing the base pay up to \$157,899, effective December 21, 2015 to bring the position in line with other members of the Executive Management Team.

FISCAL IMPACT: Additional costs of \$16,897 annually.

FUNDING AVAILABLE: Absorbed within existing appropriations.

Bob Johnson
Mayor

APPROVED: _____
Bob Johnson, Mayor

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL
ADJUSTING CITY ATTORNEY
COMPENSATION

=====

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby increase the base pay for the City Attorney to \$157,899.00, effective December 21, 2015.

Dated: December 2, 2015

=====

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 2, 2015, by the following votes:

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

JENNIFER M. FERRAILOLO
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Adjusting City Clerk Compensation

MEETING DATE: December 2, 2015

PREPARED BY: Mayor

RECOMMENDED ACTION: Adopt resolution adjusting City Clerk compensation.

BACKGROUND INFORMATION: The City Clerk was appointed on July 14, 2015 with a base salary of \$101,384 per year. Since that time, the position has received a cost of living adjustment of three percent along with all other City employees, bringing the base pay for the position to \$104,425.52. A recent salary survey indicates that the position is 11.03 percent below the average pay of City Clerks in comparison cities. Council desires to increase the base pay of the position 2.5 percent; bringing the base pay up to \$107,036.62, effective December 21, 2015.

FISCAL IMPACT: Additional costs of \$3,220 annually.

FUNDING AVAILABLE: Absorbed within existing appropriations.

Bob Johnson
Mayor

APPROVED: _____
Bob Johnson, Mayor

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL
ADJUSTING CITY CLERK
COMPENSATION

=====

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby increase the base pay for the City Clerk to \$107,036.62, effective December 21, 2015.

Dated: December 2, 2015

=====

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 2, 2015, by the following votes:

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

JENNIFER M. FERRAILOLO
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Ordinance No. 1918 Entitled, “An Ordinance of the Lodi City Council Levying and Apportioning a Special Tax in Zone 1 of the City of Lodi Community Facilities District No. 2007-1 (Public Services) as Provided in Resolution No. 2015-89”

MEETING DATE: December 2, 2015

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1918.

BACKGROUND INFORMATION: Ordinance No. 1918 entitled, “An Ordinance of the Lodi City Council Levying and Apportioning a Special Tax in Zone 1 of the City of Lodi Community Facilities District No. 2007-1 (Public Services) as Provided in Resolution No. 2015-89” was introduced at the regular City Council meeting of November 18, 2015.

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: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

JMF/PMF
Attachment

APPROVED: _____
Stephen Schwabauer, City Manager

ORDINANCE NO. 1918

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LODI LEVYING AND APPORTIONING A SPECIAL TAX
IN ZONE 1 OF THE CITY OF LODI COMMUNITY
FACILITIES DISTRICT NO. 2007-1 (PUBLIC SERVICES)
AS PROVIDED IN RESOLUTION NO. 2015-89

WHEREAS, the City Council (the "City Council") of the City of Lodi (the "City") has established Community Facilities District No. 2007-1 (Public Services) (the "District") pursuant to Resolution No. 2007-59 (the "Resolution of Formation"), duly adopted on April 11, 2007, for the purpose of providing for the financing of certain services in and for the City; and

WHEREAS, the City Council on June 17, 2015, duly adopted its Resolution No. 2015-89 (the "Resolution") (i) declaring its intention to amend the special tax formula within a portion of the District to be referred to as Zone 1 by reducing the special tax (the "Revised Special Tax") within Zone 1, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and Chapter 3.32 of the City Municipal Code, (ii) proposing to levy the Revised Special Tax therein for the purpose of financing certain services as described in the Resolution, and (iii) calling a public hearing on the questions of the establishment of Zone 1, the amendment to the special tax formula, and the levy of the Revised Special Tax within Zone 1; and

WHEREAS, at an election held in Zone 1 on November 17, 2015, the qualified electors of Zone 1 authorized the levy of the Revised Special Tax described in the Resolution.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Lodi:

Section 1. Recitals. All of the above recitals are true and correct, and the Council so finds and determines.

Section 2. Levy of Revised Special Tax. Pursuant to Section 53340 of the Government Code of the State of California and Chapter 3.32 of the City Municipal Code, the Revised Special Tax is hereby levied at the maximum rates and apportioned in the manner specified in the Resolution within Zone 1.

Section 3. Collection of Special Tax. Pursuant to Section 53340 of the Government Code of the State of California, the Revised Special Tax shall be collected by the San Joaquin County Tax Collector in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same procedure, sale, and lien priority in case of delinquency as is provided for *ad valorem* taxes; provided, however, that the Revised Special Tax may alternately be billed directly and collected on a different schedule, such as on a monthly or other periodic basis, or in a different manner, if necessary, to meet the City's financial obligations.

Section 4. Claims for Refund. Claims for refund of the tax shall comply with the following and any additional procedures as established by the City Council:

- (a) All claims shall be filed with the City Clerk no later than one year after the date the tax was paid. The claimant shall file the claim within this time period and the

claim shall be finally acted upon by the City Council as a prerequisite to bringing suit thereon.

(b) Pursuant to Government Code section 935(b), the claim shall be subject to the provisions of Government Code sections 945.6 and 946.

(c) The City Council shall act on a timely claim within the time period required by Government Code section 912.4.

(d) The procedure described in this Ordinance, and any additional procedures established by the City Council, shall be the exclusive claims procedure for claimants seeking a refund of the tax. The decision of the City Council shall be final.

Section 5. No Mandatory Duty of Care. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6. 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, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 7. Effective Date and Publication. This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this ____ day of _____, 2015

BOB JOHNSON
Mayor

Attest:

JENNIFER M. FERRAILOLO
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1918 was introduced at a regular meeting of the City Council of the City of Lodi held November 18, 2015, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2015, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1918 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. FERRAIOLO
City Clerk

Approved as to Form:

By: _____
JANICE D. MAGDICH
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Presentation to Outgoing Mayor and Reorganization of the Lodi City Council
MEETING DATE: December 2, 2015
PREPARED BY: City Clerk

RECOMMENDED ACTION: Following presentation to the outgoing Mayor by City Manager Schwabauer, adopt resolutions electing a Mayor and a Mayor Pro Tempore to serve the Lodi City Council.

BACKGROUND INFORMATION: Pursuant to Lodi Municipal Code §2.04.070, it is necessary that the City Council reorganize by electing a Mayor and Mayor Pro Tempore.

The reorganization of the City Council will take place as follows:

Item K Reorganization of the Lodi City Council

- Presentation to the Mayor by the City Manager.
- Comments by the Mayor.
- City Clerk will conduct the election for the office of Mayor.
- Following the election, the City Clerk will hand the gavel to the newly-elected Mayor, who will then conduct the election for the office of Mayor Pro Tempore.
- The newly-elected Mayor will then adjourn the meeting.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

JMF/PMF

APPROVED: _____
Stephen Schwabauer, City Manager

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY
COUNCIL CONFIRMING THE ELECTION
OF THE MAYOR

=====

WHEREAS, reorganization of the City Council takes place at the first regular meeting in December each year; and

WHEREAS, during the reorganization, an election is held by the Council as a whole by nomination and vote for the positions of Mayor and Mayor Pro Tempore; and

WHEREAS, at its meeting held December 2, 2015, _____ was elected to serve as Mayor for a one-year period.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that Resolution No. 2015-_____ is hereby adopted confirming the election of _____ as Mayor of the City of Lodi for a one-year period; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage.

Dated: December 2, 2015

=====

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the Lodi City Council in a regular meeting held December 2, 2015, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY
COUNCIL CONFIRMING THE ELECTION OF
THE MAYOR PRO TEMPORE

=====

WHEREAS, reorganization of the City Council takes place at the first regular meeting in December each year; and

WHEREAS, during the reorganization, an election is held by the Council as a whole by nomination and vote for the positions of Mayor and Mayor Pro Tempore; and

WHEREAS, at its meeting held December 2, 2015, _____ was elected to serve as Mayor Pro Tempore for a one-year period.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that Resolution No. 2015-_____ is hereby adopted confirming the election of _____ as Mayor Pro Tempore of the City of Lodi for a one-year period; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

Dated: December 2, 2015

=====

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the Lodi City Council in a regular meeting held December 2, 2015, by the following vote:

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

JENNIFER M. FERRAILOLO
City Clerk