

ORDINANCE NO. 2024

AN ORDINANCE OF THE LODI CITY COUNCIL REPEALING AND REPLACING LODI MUNICIPAL CODE CHAPTER 2.04, "CITY COUNCIL MEETINGS" IN ITS ENTIRETY TO REMOVE THE REGULAR MEETING REQUIREMENT FOR INFORMAL INFORMATIONAL MEETINGS AND OTHER MINOR REVISIONS TO COMPLY WITH STATE LAW AND CLEAN-UP THE CHAPTER

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. The Lodi Municipal Code Chapter 2.04 entitled "City Council Meetings" is hereby repealed and replaced with the following:

2.04.010 - Regular meetings—Day and time.

Regular meetings of the City Council shall be held on the first and third Wednesday of each month at seven p.m. However, at any such regular meeting, at which a closed session is to be held, may be commenced, for the holding of such closed session, at such earlier time on the meeting day and shall be noticed on the Council's agenda and posted at least seventy-two hours in advance of such earlier commencement time. In the event of any such earlier commencement of a regular meeting for the purpose of holding a closed session, no other items of business on the Council's meeting agenda shall be addressed before seven p.m. In case the regular meeting falls upon a legal holiday, then the regular meeting which otherwise would have occurred on that day shall be held on the first business day thereafter at the hour of seven p.m.

2.04.020 - Informal informational meetings.

Informal informational meetings of the City Council may be held on the day, time and location with the City jurisdiction, as the City Council may deem appropriate, subject to special meeting notice requirements as provided by state law. The City Manager, City Attorney, City Clerk and department heads, as the council may request, shall be present at such meetings, and members of the public shall be given the opportunity to attend and participate in the meeting in accordance with state law.

2.04.030 - Meeting place.

All regular meetings of the Council shall be held in the Carnegie Forum Building, at 305 W. Pine Street in Lodi, California, or at such other place as the City Council may deem appropriate, subject to notice requirements as provided by state law. If, by reason of fire, flood, earthquake or other emergency, it is unsafe to meet in the place so designated, the meetings may be held for the duration of the emergency at such alternate place as may be designated by the mayor or City manager.

2.04.040 - Meetings to be public.

All meetings of the City Council shall be open to the public.

2.04.050 - Special meetings.

At any time, the Mayor, three City Council members, or the City Manager may call a special meeting. The City Clerk's office shall then publish such special meeting notice in accordance with state law, and issue a written notice to each Council member and to each local newspaper of general circulation, radio or television station requesting notice in writing, such notice to be

delivered personally, or by mail, or email, at least twenty-four hours before the time of such special meeting.

2.04.060 - Quorum.

A majority of all members elected to the Council shall constitute a quorum at any regular or special meeting of the Council. Unless otherwise required by law, a simple majority of the members present may take action or adopt ordinances or resolutions.

2.04.070 - Presiding officer—Mayor—Mayor pro tempore.

The presiding officer of the Council shall be the Mayor, who shall be selected by the Council annually at the first regular meeting after the canvass of votes done in conjunction with the statewide general election in even-numbered years. In years where there is no general statewide election, the Mayor shall be selected at the first regular meeting in December. At the time of the selection of the Mayor, one of the other Council members shall also be chosen as Mayor Pro Tempore. If the Mayor is absent or unable to act, the Mayor Pro Tempore shall serve as the presiding officer until the Mayor returns or is able to act. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council. The presiding officer, or their designee, shall state every question coming before the Council, call for the vote, announce the decision of the Council on all subjects and decide all questions of order. However, in an appeal of a question of order to the Council, a majority vote of the Council shall govern and conclusively determine such question. The presiding officer shall sign all ordinances adopted by the Council during their presence. In the event of the absence of the Mayor, the Mayor Pro Tempore shall sign ordinances as then adopted.

2.04.080 - Call to order—Temporary chairman.

The Mayor, or in their absence, the Mayor Pro Tempore, shall take the chair at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor and Mayor Pro Tempore, the City Clerk, or the acting City Clerk shall call the Council to order, whereupon a temporary chairperson shall be selected by the members of the Council present. Upon the arrival of the Mayor or Mayor Pro Tempore, the temporary chairperson shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

2.04.090 - Roll call.

Before proceeding with the business of the Council at regular or special meetings, the City Clerk or the acting City Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes.

2.04.100 - Order of business—Assembly of officers.

All meetings of the Council shall be open to the public, except for closed sessions as permitted by law. The Council shall provide by resolution, the order of business for regular meetings of the Council, and shall provide therein for public comment as required by law. In attendance shall be the City Manager, the City Clerk, and the City Attorney or their authorized designees.

2.04.110 - Reading and approval of minutes.

Unless the reading of the minutes of a Council meeting is requested by a majority of the Council, such minutes may be approved without reading if the City Clerk has previously furnished each member with a copy thereof. Any Council member can correct an error in the minutes, subject to verification by the City Clerk.

2.04.120 - Rules of debate.

The Council shall, by resolution, adopt rules of conduct and debate applicable to all City Council meetings.

2.04.130 - Addressing the council.

- A. Subject to the rules of procedure adopted hereunder, any interested person may 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 submitted a complete Public Comment card to the City Clerk in advance of said item.
- 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 for the record. No member of the public shall be permitted to enter into any discussion without permission of the presiding officer.

2.04.140 - Voting.

All present members of the Council must vote. If a member of the Council states that the member is not voting, such silence shall be recorded as an affirmative vote, unless the Council member recuses oneself from voting by reason of personal interest in the matter before the Council and that reason is stated on the record at the meeting.

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 being warned by the presiding officer or City Attorney, repeatedly violates these rules may be ejected for the remainder of the meeting by two-thirds vote of the other Council members present.
- 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 warned by the presiding officer to cease such disruptive behavior. After issuance of such warning, a person continuing with disruptive behavior can be 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.

2.04.160 - Persons allowed within rail.

No person, except City officials, their representatives and newsgathering or media personnel, shall be permitted within the rail in front of the Council chamber during meetings, without the express consent of the Council.

2.04.170 - Entry of dissent in minutes.

Any Council member shall have the right to have the reasons for his dissent from, or protest against, any action of the Council entered on the minutes.

2.04.180 - Preparation of agendas.

- A. Consistent with the provisions of the Ralph M. Brown Act (Government Code Section 54950 *et seq.*), the agenda for Council meetings shall be prepared by City staff, approved by the City Manager, their designee, or City Attorney, and compiled and distributed by the City Clerk.
- B. Matters may be placed on the agenda for consideration by the City Council by request of:
 - 1. Any member of the City Council;
 - 2. The City Manager;
 - 3. The City Clerk;
 - 4. The City Attorney.
- C. Any reasonable request by any person named in this section, to place a matter on the agenda, shall be honored, subject to the City Manager's discretion as to the preparation of accompanying staff reports.

2.04.190 - Closed sessions—Confidentiality.

- A. No officer, employee or agent of the City shall, without proper authorization, divulge confidential information received by such person as part of his or her official duties during any closed session of the City Council authorized under the Ralph M. Brown Act (Government Code Section 54950 *et seq.*), as it now exists or may later be modified.
- B. Such confidential information may include, but is not limited to, matters involving pending litigation, property acquisition, labor negotiations, personnel matters or other information, the disclosure of which would reasonably be likely to prejudice the good faith conduct of City business, constitute an unwarranted invasion of privacy, or place the City at an unfair disadvantage in negotiations.
- C. For purposes of this section, "proper authorization" means:
 - 1. In matters of personal privacy, a waiver by the individual enjoying such right of privacy;
 - 2. The order or subpoena of a court of competent jurisdiction;
 - 3. Authorization by the City Council as a body;
 - 4. Conclusion or finalization of the matter or subject involved, as determined by the City Council.
 - 5. Nothing in this chapter shall be deemed a waiver of any other confidential privilege for any information established elsewhere by statute or case law.

SECTION 2. 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 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 toward 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. No Conflict. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. 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 _____, 2024

Lisa Craig
Mayor

Attest:

OLIVIA NASHED, City Clerk
State of California
County of San Joaquin

I, Olivia Nashed, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 2024 was introduced at a regular meeting of the City Council of the City of Lodi held _____, 2024, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2024, by the following vote:

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

I further certify that Ordinance No. 2024 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

OLIVIA NASHED
City Clerk

Approved as to Form:

Katie Lucchesi
City Attorney KL