

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING LODI MUNICIPAL CODE SECTION 2.44.040, "APPOINTING AUTHORITIES" NOTING COUNCIL'S ABILITY TO TEMPORARILY APPOINT STAFF TO PERFORM REQUIRED DUTIES DURING PERMANENT APPOINTEE VACANCIES AND ACKNOWLEDGING THAT THE CITY MANAGER CAN TEMPORARILY SERVE AS CITY TREASURER BECAUSE SUCH ROLES ARE NOT CONFLICTING INCOMPATIBLE OFFICES

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

**SECTION 1. LMC Section Amended.** The Lodi Municipal Code Section 2.44.040 entitled "Appointing authorities" is hereby amended to read as follows:

**2.44.040 - Appointing authorities.**

The appointing authorities are the city council, in the case of the city manager, city attorney, city clerk and city treasurer; the library board, in the case of the library director; and the city manager, for all other employees. To ensure fulfillment of required appointee duties, the city council may also appoint another qualified city employee whose duties do not conflict with the vacant role (including the city manager in performance of city treasurer duties) to temporarily perform the vacant appointee role until the permanent appointment process is complete. These appointing authorities, in whom is vested by law the power to make appointments, transfers, promotions, demotions, reinstatements, lay-offs, and to suspend or dismiss employees, shall retain such power, subject to the provisions of this chapter and the rules established under this chapter. In addition, the city manager shall have the authority to discipline or dismiss the library director based on employment practices.

**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 \_\_\_\_, 2025

\_\_\_\_\_  
Cameron Bregman  
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. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_, 2025, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_, 2025, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_ 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 O. LUCCHESI  
City Attorney