

AN URGENCY 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

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Purpose. The purpose of this Urgency Ordinance is to amend Lodi Municipal Code (LMC) Section 2.44.040 to acknowledge that Council can temporarily appoint a qualified City employee to perform required appointee duties during a vacancy in the permanent position and to find that the City Manager role is not incompatible with the City Treasurer's designated duties, so that the Acting City Manager can temporarily perform those additional tasks until a permanent City Treasurer can be appointed.

SECTION 2. Findings. This Urgency Ordinance is adopted as an urgency ordinance pursuant to Government Code Section 36937(b). The City Council makes the following findings supporting the adoption of this urgency Ordinance:

- A. The City Council has the power to enact an urgency ordinance, not in conflict with general laws, as necessary to protect public peace, health, and safety, via exercise of the powers provided to cities in Article XI, Section 7, of the California Constitution, and in compliance with Government Code Section 36937(b).
- B. The urgency ordinance is necessary for the immediate preservation of the public peace, health, and safety in order to allow the expedited appointment of the Acting City Manager to temporarily serve as the City Treasurer during the vacancy of the permanent appointee. The appointed City Treasurer position has historically been filled by the Assistant City Manager or the Deputy City Manager. However, the full-time Assistant City Manager position currently remains vacant.
- C. Due to the efforts underway to update the City's financial policies and procedures, Council determined that it is necessary to appoint a seasoned leader with financial experience to the City Treasurer role in order to maintain public peace and the City's fiscal health. The City Council expressed the desire to appoint Acting City Manager James Lindsey to be that person, and temporarily perform the City Treasurer duties until another permanent appointee can be selected.
- D. The LMC currently defines the City Manager and City Treasurer as separate and distinct roles appointed by Council, and an amendment to the LMC would acknowledge Council's ability to make temporary appointments and expressly clarify that the City Manager and City Treasurer tasks do not conflict. Thus, the urgency ordinance's expedited amendment would ensure that Council's temporary appointment of Mr. Lindsey during this vacancy would comply with the LMC, it would not violate of the doctrine of incompatible offices, and it exhibit timely action to preserve the public peace, health, and safety related to the management and oversight of the City's finances.
- E. Any urgency ordinance adopted pursuant to Government Code Section 36937(b) shall be effective immediately upon adoption.

SECTION 3. 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 4. Severability. If any provision of this Urgency 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 Urgency Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. No Mandatory Duty of Care. This Urgency 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 6. No Conflict. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 7. Effective Date and Publication. This Ordinance is hereby declared an Urgency Ordinance under Government Code of the State of California, Section 36937, subsection (b) thereof, and it shall take effect immediately upon adoption and approval by at least four-fifths vote of the City Council. In lieu of publication of the full text of this Urgency Ordinance within fifteen (15) days after its passage, a summary of the Urgency 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 at least a 4/5 vote of the City Council as follows:

- 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 