

OFFICE OF
THE CITY ATTORNEY
CITY OF SAN DIEGO

1200 THIRD AVENUE, SUITE 1620
SAN DIEGO, CALIFORNIA 92101-4178
TELEPHONE (619) 236-6220
FAX (619) 236-7215

Jan I. Goldsmith
CITY ATTORNEY

June 4, 2009

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

AMENDMENTS TO PERMANENT RULES OF COUNCIL

At the City Council meeting of March 2, 2009, the City Council referred to the Committee on Rules, Open Government, and Intergovernmental Relations [Rules Committee] portions of Permanent Rule 1.3, 2.10 and 6.4.4 for amendment. On April 22, 2009, the Rules Committee discussed changes to Rule 1.3 relating to evening meetings and Rule 2.10 concerning the procedure for debate. During the Committee's discussion of Rule 6.4.4 concerning the appointment of alternate committee members, the committee members also discussed changes to Rule 6.2.1 relating to the appointment and circumstances when an alternate would serve.

The Rules Committee voted 4-1 to forward the proposed changes to the Council for adoption. An ordinance making the changes forwarded by the Rules Committee is attached.

Respectfully submitted,



By

Paul F. Prather
Deputy City Attorney

JIG:PPF:amt
Attachment
RC-2009-13

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 2, ARTICLE 2, DIVISION 1, SECTION 22.0101.5, ENTITLED PERMANENT RULES OF THE COUNCIL, BY AMENDING RULE 1.3, RULE 2.10, RULE 6.2.1 AND RULE 6.4.4.

WHEREAS, section 22.0101.5 of the San Diego Municipal Code, as amended, establishes permanent rules of procedure governing the operation of the Council; and

WHEREAS, on April 22, 2009, the Committee on Rules, Open Government and Intergovernmental Relations recommended making changes to the permanent rules of procedure; and

WHEREAS, under Charter section 280(a)(1) this ordinance is not subject to veto by the Mayor because this matter is exclusively within the purview of the City Council and not affecting the administrative service of the City under the control of the Mayor; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 2, Division 1, of the San Diego Municipal Code be and is hereby amended by amending section 22.0101.5, Rule 1.3, Rule 2.10, Rule 6.2.1 and Rule 6.4.4, to read as follows:

§22.0101.5 Permanent Rules of the Council

Rule 1 through Rule 1.2 [No change in text].

Rule 1.3 Place

Regular Council meetings shall be held in the Council Chambers of the City Administration Building, Community Concourse, in the City of San Diego, California. In addition thereto, the Council shall also hold regularly scheduled night Council meetings starting no earlier than 6:00 p.m. in the Council Chambers of the City Administration Building or in various community facilities throughout the City of San Diego. Such night Council meetings will be scheduled at least six times during each legislative calendar year, with the specific date, time, and location of each meeting to be established by resolution of the Council. In the event a regular meeting shall fall on a legal holiday, the meeting may be held on the next business day.

Rule 1.4 through Rule 2.9.2 [No change in text].

Rule 2.10 Procedure for Debate (Former Rule 9)

The following procedure shall be used in debating any resolution or ordinance:

- (a) Items Initiated by an individual:
 - (1) Brief opening statement by the proponent Initiator explaining and advocating the item (maximum of five minutes).
 - (2) Staff report, if any, by the appropriate staff members and relevant questions thereon by Council members limited to five minutes with the right of any other member to yield all or a portion of such member's time.

- (3) Testimony by members of the public who support the item
(maximum of fifteen minutes total for all proponents).
 - (4) Testimony by members of the public who oppose the item
(maximum of fifteen minutes total for all opponents).
 - (5) Discussion by Councilmembers. The order of recognition of
Councilmembers desiring to speak shall be determined by the
President in accord with the recognition light panel. Each
Councilmember shall be allowed the opportunity to speak and shall
be limited to a maximum of three minutes.
 - (6) Brief closing statement by the proponent Initiator (maximum of
five minutes).
 - (7) Motion and second (or Request for Motion).
- (b) Items Initiated by a Committee:
- (1) Brief opening statement by the committee chair or his/her designee
explaining and/or advocating the item (maximum of five minutes).
 - (2) Staff report, if any, by the appropriate staff members and relevant
questions thereon by Council members, limited to five minutes
with the right of any other member to yield all or a portion of such
member's time.

- (3) Testimony by members of the public who support the item
(maximum of fifteen minutes total for all proponents).
- (4) Testimony by members of the public who oppose the item
(maximum of fifteen minutes total for all opponents).
- (5) Discussion by Councilmembers. The order of recognition of
Councilmembers desiring to speak shall be determined by the
President in accord with the recognition light panel. Each
Councilmember shall be allowed the opportunity to speak and shall
be limited to a maximum of three minutes.
- (6) Motion and second (or Request for Motion).

Rule 2.11 through Rule 6.2 [No change in text].

Rule 6.2.1

For each committee, except for the Rules Committee, the President shall nominate the committee Chair, vice-chair and committee members, subject to confirmation by a majority vote of the Council. These appointments shall be made annually and no later than the second meeting of the Council in January of each year. The President also may nominate an alternate for each committee subject to Council confirmation. The alternate shall serve only when the committee lacks sufficient members to constitute a quorum for the conduct of business.

Rule 6.2.2 through Rule 6.4.3 [No change in text].


Rule 6.4.4

When and as long as any standing committee lacks sufficient members, including alternates, to constitute a quorum for the conduct of business, the President is authorized to act as a voting member of that standing committee. (Former Rule 13)

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Paul F. Prather
Deputy City Attorney

PF:amt
06/04/09
Or.Dept:Rules Committee
O-2009-137

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Underlined

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 2, ARTICLE 2, DIVISION 1, SECTION 22.0101.5, ENTITLED PERMANENT RULES OF THE COUNCIL, BY AMENDING RULE 1.3, RULE 2.10, RULE 6.2.1 AND RULE 6.4.4.

§22.0101.5 Permanent Rules of the Council

Rule 1 through Rule 1.2 [No change in text].

Rule 1.3 Place

Regular Council meetings shall be held in the Council Chambers of the City Administration Building, Community Concourse, in the City of San Diego, California. In addition thereto, the Council shall also hold regularly scheduled night Council meetings starting no earlier than 6:00 p.m. in the Council Chambers of the City Administration Building or in various community facilities throughout the City of San Diego rather than in the City Administration Building. Such night Council meetings will be scheduled at least ~~two to four~~ six times during each ~~twelve-month period,~~ legislative calendar year, with the specific date, time, and location of each meeting to be established by resolution of the Council. In the event a regular meeting shall fall on a legal holiday, the meeting may be held on the next business day.

Rule 1.4 through Rule 2.9.2 [No change in text].

Rule 2.10 Procedure for Debate (Former Rule 9)

The following procedure shall be used in debating any resolution or ordinance:

- (a) Items Initiated by an individual:
 - ~~(1)~~ ~~Motion and second.~~
 - ~~(2)~~ Brief opening statement by the proponent
Initiator explaining and advocating the item (maximum of five minutes).
 - ~~(3)~~ Staff report, if any, by the appropriate staff members and relevant questions thereon by Council members limited to five minutes with the right of any other member to yield all or a portion of such member's time.
 - ~~(4)~~ Testimony by members of the public who support the item (maximum of fifteen minutes total for all proponents).
 - ~~(5)~~ Testimony by members of the public who oppose the item (maximum of fifteen minutes total for all opponents).
 - ~~(6)~~ Discussion by Councilmembers. The order of recognition of Councilmembers desiring to speak shall be determined by the President in accord with the recognition light panel. Each Councilmember shall be allowed the opportunity to speak and shall be limited to a maximum of three minutes.

~~(76)~~ Brief closing statement by the proponent Initiator (maximum of five minutes).

~~(7)~~ Motion and second (or Request for Motion).

(b) Items Initiated by a Committee:

~~(1)~~ ~~Motion and second.~~

~~(21)~~ Brief opening statement by the committee chair or his/her designee explaining and/or advocating the item (maximum of five minutes).

~~(32)~~ Staff report, if any, by the appropriate staff members and relevant questions thereon by Council members, limited to five minutes with the right of any other member to yield all or a portion of such member's time.

~~(43)~~ Testimony by members of the public who support the item (maximum of fifteen minutes total for all proponents).

~~(54)~~ Testimony by members of the public who oppose the item (maximum of fifteen minutes total for all opponents).

~~(65)~~ Discussion by Councilmembers. The order of recognition of Councilmembers desiring to speak shall be determined by the President in accord with the recognition light panel. Each Councilmember shall be allowed the opportunity to speak and shall be limited to a maximum of three minutes.

(6) Motion and second (or Request for Motion).

Rule 2.11 through Rule 6.2 [No change in text].

Rule 6.2.1

For each committee, except for the Rules Committee, the President shall nominate the committee Chair, vice-chair and committee members, subject to confirmation by a majority vote of the Council. These appointments shall be made annually and no later than the second meeting of the Council in January of each year. The President also may nominate an alternate for each committee subject to Council confirmation. The alternate shall serve only when the committee lacks sufficient members to constitute a quorum for the conduct of business.

Rule 6.2.2 through Rule 6.4.3 [No change in text].

Rule 6.4.4

When and as long as any standing committee lacks sufficient members, including alternates, to constitute a quorum for the conduct of business, the President is authorized to act as a voting member of that standing committee. (Former Rule 13)

PPF:amt
06/04/09
Or.Dept:Rules Committee
O-2009-137

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 2, ARTICLE 2, DIVISION 1, SECTION 22.0101.5, ENTITLED PERMANENT RULES OF THE COUNCIL, BY AMENDING RULE 1.3, RULE 2.10, RULE 6.2.1 AND RULE 6.4.4.

This ordinance amends the Municipal code to make changes to the Permanent Rules of Council by amending Rule 1.3 relating to the Place of Council meetings, rule 2.10 relating to Council procedures for debate, and Rules 6.2.1 and 6.4.4 relating to the appointment of alternates where a committee lacks a quorum.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

PFP:amt
06/04/09
Or.Dept:Rules Committee
O-2009-137