

April 1, 1988

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
AMENDMENTS TO THE PERMANENT RULES OF COUNCIL

An amendment to the Permanent Rules of Council was scheduled for Council action on March 14, 1988. That matter (Item 51) was referred by Council back to the Rules Committee because Council had questions about and made suggestions in regard to two of the proposed rule changes.

The first item of Council concern was its ability to engage in general comment on matters not necessarily appearing on the agenda. As a solution thereto, a new rule is submitted providing an opportunity for Council comment, not unlike that provided for in "Public Comment." The rule is 8.1, entitled "Council Comment."

The second matter of discussion was concern that Rule 30, as presented, would prohibit origination of document language by elected officials and vest that authority solely and exclusively in the City Attorney. That construction was not intended. Rule 30, as now presented, would make very clear that Councilmembers may exercise such originating draftsmanship of specified documents as a part of the legislative process. Rule 30 does retain, however, the requirement imposed by Charter section 40 in regard to all such documents being prepared in final form and being approved as to form and legality by the City Attorney.

On the agenda for the April 6, 1988 Rules Committee is the revised ordinance amending the Permanent Rules of Council, San Diego Municipal Code section 22.0101, to include the subject matter discussed above. This ordinance amends Rules 1, 2, 4, 17, 30, and renumbers existing Rule 8.1 to 8.2. There is also added a new Rule 8.1, entitled "Council Comment."

RULE 1 This amendment permits the time of any Council meeting to be extended past 5:30 p.m. by the Chair if unfinished business remains on the Council agenda. This avoids additional time consuming actions to extend the time.

RULES 2 The language added to these rules are deemed
AND 4 appropriate and necessary to comply with the 1986 amendments to the Brown Act and maintain consistency with Rule 30.1 concerning reconsideration.

RULE 8.1 This is a new rule to be added and entitled "COUNCIL COMMENT." As requested by Council, the rule is submitted for inclusion in the Permanent Rules to allow members of the Council to discuss items of interest that do not appear on the published agenda but fall within the jurisdiction of Council. Rules of procedure in respect to such comment are similar to those provided in Rule 8, "PUBLIC COMMENT."

RULE 17 This amendment is provided to clarify quorum requirements necessary for committees to take action and accommodate that which ensues when a quorum no longer exists.

RULE 30 The language added to this rule provides specifically that, pursuant to section 40 of the Charter, all legal documents to be acted upon by Council shall be prepared in final form and signed by the City Attorney. The rule also provides that elected officials may originate documents ordinances, resolutions, etc. in draft presentation form as part of their legislative function and shall not be restricted or constrained in that regard; provided however, that such documents are further acted upon, pursuant to section 40 of the Charter. This matter was initiated by the City Clerk. (See City Clerk Report No. CC-87-02, dated January 7, 1987 and previously approved by the Rules Committee as Item # 6 on the Rules agenda of March 18, 1987.) Attached hereto is our report to the Rules Committee on that matter, dated February 3, 1987.

Your approval of the above amendments to the Permanent Rules of Council is requested.

Respectfully submitted,
JOHN W. WITT
City Attorney

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Attachment
RC-88-19