

February 12, 1988

REPORT TO THE COMMITTEE ON RULES, LEGISLATION,
AND INTERGOVERNMENTAL RELATIONS
AMENDMENTS TO THE PERMANENT RULES OF COUNCIL

On the agenda for the February 17, 1988 Rules Committee meeting is an ordinance amending the Permanent Rules of the Council, San Diego Municipal Code . 22.0101.

This ordinance amends Rules 1, 2, 4, 17, and 30 for the following reasons:

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. The subject matter concerns "reconsideration" of agenda items.

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 and signed by the City Attorney. 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 no. 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.

In addition to the above-cited ordinance and pursuant to a request of the Rules Committee Item no. 6 of the January 6, 1988 meeting we and the City Manager have examined the issues regarding additional rules with respect to:

- a) Presentations and appearances before Council and Committees;
- b) "Ex-parte" contacts with Councilmembers prior to

hearings;

c) Public comment opportunities.

In respect to modifying the Rules regarding presentations and appearances before Council and Committees, the City Manager proposes a Rule as attached as Enclosure (1). This rule would place a reasonable limit on the number of appearances per year by any one individual or organization. It also provides a liberal definition of "appearance." This is designed and intended to maintain flow and control of agenda item consideration. The proposed rule is self-explanatory; however, your comments are solicited.

Concerning "ex parte" contacts, we have examined the procedure presently being utilized by the County and provide it as attached in Enclosure (2), for your consideration as a model from which a rule may be promulgated.

Concerning the "Public Comment" matter, we have not as yet come to a conclusion on a method of providing for oral Council comment on non-noticed matters pursuant to that category. Section 54954.3 of the California Government Code clearly states that the process is intended for use by "members of the public." We are reviewing the statutory latitude of the Brown Act in this regard with a view of recommending a process of oral communication by councilmembers similar to the existing "Public Comment" rule accorded members of the public.

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

Respectfully submitted,

JOHN W. WITT

City Attorney

JK:js:040:(x043.1)

Enclosures (1) & (2)

RC-88-7